

Restorative Discipline and the School-to-Prison Pipeline

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Abstract

Unless you have children, are a teacher or school administrator, or feel you were mistreated by the education system during your school-aged years, you may not think much about the disciplinary actions used within our school systems. However, from a societal perspective, it's important to understand that a common recurring theme within educational disciplinary action is the usage, and over usage of suspension and expulsion as punishment (Monahan et al., 2014). Studies have shown that the misuse of suspension and expulsion can and does lead children toward a life of criminalization and institutionalisation (Monahan et al., 2014). This phenomenon is known as the school-to-prison pipeline (Monahan et al., 2014), and it fundamentally influences crime rates in Canada. Even the phrase 'school-to-prison pipeline' sounds inherently damaging to our children for obvious reasons, but the main reason society should care about this phenomenon is because it is forcefully filtering today's young people into the criminal justice system. There are other options. Introduced through the concept of Restorative Justice, an idea called Restorative Discipline was conceived (Hass-Wisecup & Saxon, 2018).

Restorative Discipline, when implemented with intention, collaboration, and consistency, vastly reduces the school-to-prison pipeline by allowing children to make mistakes, learn from their mistakes, understand the concept of reparation, and be empowered to make amends (Hass-Wisecup & Saxon, 2018). This study highlights the significant gap in restorative justice and restorative discipline literature, research, and practices within Canada. This study will analyze various school Codes of Conduct from across Canada, delve deeper into the meaning and understanding of the school-to-prison pipeline, and explain restorative discipline practices in action. Further, this study offers five recommendations that can be easily implemented on a day-to-day basis, for any school system and school personnel who may want to make a change.

Dedication and Acknowledgements

First and foremost, I wish to express my deepest gratitude to my supervisor, Professor Doug King. From the very first class I took with him until the last, he never failed to inspire and motivate me, carefully nurturing my profound passion for Restorative Justice, and Restorative Discipline. I would also like to take a moment to thank the entirety of the Criminal Justice faculty, with special thanks to Dr. John Winterdyk and Ritesh Narayan. Their patience, guidance, and expertise do not go unnoticed and will be forever cherished.

Thank you to the most beautiful, strong, and independent woman I have ever known, my dear mother, Sherilee Levay. You left this world far too early, but I (Baby Pumpkin) will always ensure you live on through the values, morals, and life lessons you have instilled. I love you.

To my big brother, Jesse, my grandmother, Sheila, my auntie, Laura, and my uncle, Reggie, I am forever appreciative of all you have given me. You four have helped mould me into the woman I am today, and I am truly grateful.

To my most amazing friends, Emma, Shaye, Ashley, and Dani, thank you for your loyalty, your laughter, and your light. I am in awe of the four of you every day, and how beautiful each and every one of you are inside, and out.

To my twin flame, Matthew, your kindness, support, trust, and understanding, I am incredibly grateful for. You provided me the confidence to pursue a degree, and I can never thank you enough for that. I love you to the moon and back.

Finally, I want to dedicate this project in its entirety to any kid who has ever felt like they were labelled a 'problem child' in school, or that 'school was just not for them.' I know that feeling far too well, and I come to you today as a university educated woman to tell you, you are not the problem. You are brilliant, and I will forever fight for the kids that have felt like us.

Preface

My name is Jenna Levay, I am a caucasian woman living on Treaty 7 Territory, and the traditional lands of the Siksikaitsitapi (Blackfoot) that encompasses Piikani, Kainai, Siksika, and Amskapi Piikani First Nations; the Îyârhe Nakoda, including the Chiniki, Bearspaw, and Wesley First Nations, as well as the Tsuut'ina First Nation, and the Métis Nation of Alberta, Region III.

Originally, I am from Moose Jaw, Saskatchewan, a small town that sits on Treaty 4 Territory. Treaty 4 is home to the Saulteaux, Cree, Ojibwe, Dakota, Lakota, and Nakota peoples as well as the homeland of the Métis.

I would like to take this opportunity to acknowledge the deep roots Restorative Justice and Restorative practices has within the Indigenous peoples of Turtle Island (Canada), as well as Aotearoa (New Zealand). This area of study could not be made possible without the knowledge and expertise provided through storytellers, elders, and Indigenous peoples.

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Restorative Discipline and the School-to-Prison Pipeline

When discussing the discipline of children and youth, what is right and what is wrong? Disciplinary approaches have been, and continue to be, heavily debated throughout Western society. Historically, the practices of punitive discipline have been foundational to many individuals' beliefs because, in their eyes, punitivity and a harsher approach teaches lessons in a way that another method will not. These beliefs are still the primary disciplinary approach in both homes and schools today. More recently, others are arguing that compassion and empathy are two of the most vital components you can bring into discipline. While both arguments have validity, and we each have a right to our own opinions, it is my hope that throughout the entirety of this thesis, I can inspire a new way of thinking - shed light on an incredibly under-researched and underused discipline approach making leaps and bounds in the correction of problematic behaviour in young people today, to challenge the status quo and change the future.

The concepts of Restorative Justice and Restorative Discipline involve alternative strategies to manage misconduct and misbehaviour, rather than using a punishment approach (Hass-Wisecup & Saxon, 2018). These concepts encourage empathy, compassion, and understanding, while teaching the values of communication, problem-solving, accountability, reparation, and community (Hass-Wisecup & Saxon, 2018). Restorative Justice and Restorative Discipline allow young people to make mistakes, and to learn from their mistakes in a deeper, more meaningful way. Their goals help mould youth into kind, caring adults who value the rule of law and hold a deep respect for authority, because during their lowest moments, they have been treated with humanity and grace through a restorative approach, rather than punishment and heartless policies.

Research Question

Far too many children and youth enter the justice system as a result of punitive school disciplinary policies, commonly referred to as the ‘school-to-prison pipeline’ (Monahan et al., 2014). Restorative Discipline can be used to address this ongoing problem, but the question is, does it work? How does restorative discipline affect the school-to-prison pipeline, and is this concept as beneficial as the experts claim it to be?

This research is a combination of exploratory design and action research design. It is intended to provide insight into a highly under-researched topic, while also providing advocacy and recommendations for future use, specifically within a Canadian context.

The advantages of using exploratory design will help provide familiarity with basic details, such as definitions and concerns, and action research design brings the benefits of being incredibly solution-based and allows for the ideas discussed within this research to be applied in the real world, by education professionals. However, these two designs do come with some limitations as well.

Exploratory research is unable to make a definitive conclusion regarding the findings that are discussed within this thesis, leaving it open to interpretation and tentative results. Action research design requires the agreement among education professionals that the school-to-prison pipeline is not only a problem, but that restorative discipline is the correct way to ‘fix’ the problem. There is also the possibility for bias within both of these research designs and should be taken into account within this body of research. Unfortunately, there is no perfect research design, but nonetheless, the importance of it remains.

Methodology

Canadian restorative discipline research is nearly non-existent, and any research that is available, is conducted mainly within the United States of America. There is a dire need to fill this gap because the school-to-prison pipeline strongly exists within Canada, and the incredible lack of resources and research completed within this topic, further limits the real-life application and effectiveness of restorative discipline practices.

The methodology used for this research includes both qualitative, and where possible, quantitative data. Also included in this study is an analysis of the data and research that has been conducted thus far within the restorative justice community, an in-depth discussion of why this research is needed, what restorative discipline is, what the school-to-prison pipeline is, while ensuring the research remains intersectional, and placed within a Canadian context.

The primary data collection is provided through rigorous examination of various school boards and codes across Canada, specifically including British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, and Nova Scotia. The exclusion of Quebec, as well as other provinces and territories has been done purposefully due to availability of public documents, and a large bilingual language barrier. The school boards and codes have been compared to create an overarching picture of what is really taking place regarding discipline within our schools, to highlight any mention of restorative discipline within Canadian schools and identify if the school systems are transparent when overseeing and discussing the disciplinary actions of the students.

The secondary data collection has been conducted through various databases such as CanLii, ProQuest, Google Scholar, as well as books including *Restorative Justice: Integrating Theory, Research, and Practice*, *The Little Book of Restorative Discipline for Schools*, *The Little Book of Restorative Justice in Education*, and *The Little Book of Circle Processes*. These sources

have been utilized to provide a comprehensive overview of academic research regarding restorative discipline - what is known, what is not known, and what is currently being done, while helping to identify effective recommendations for realistic and beneficial implementation.

PART ONE: Analysis of Current Disciplinary Approach

“Zero Tolerance”

Prior to ‘zero tolerance’ policies, the Western school systems heavily utilized corporal punishments such as the strap or the ruler, as a way to keep their students ‘in line’. As childhood development practices advanced, children’s and human rights became more recognized, and public opinion swayed the abusive nature of corporal punishment, it has been phased out and replaced by policies like ‘zero tolerance’. Over the past three decades, the ‘zero tolerance’ ideology has erupted within both public and private school systems, essentially criminalizing students for wrong-doing, and paving the way for future anti-social and morally corrupt behaviour (Aull, 2012).

‘Zero tolerance’ policies are filled with mandatory, predetermined punishments that are meant to be implemented without taking into account “...the seriousness of behaviour, mitigating circumstances, or situational context” (American Psychological Association Zero Tolerance Task Force, 2005, as cited in Aull, 2012). Today, ‘zero tolerance’ policies can be thought of in the same way as mandatory minimum sentences within our judicial system: harsh, punitive, and without situational context (Hass-Wisecup & Saxon, 2018). In fact, zero tolerance policies were the historical stepping stone for mandatory minimum sentences to become law (King, personal communication, 2020).

As an example of the application and gaps in zero tolerance policies, imagine a dyslexic youth raised in an unstable, single parent environment, is caught cheating on a test. With ‘zero

tolerance', this youth receives an immediate one week in-school suspension, already set in stone by the school officials. Yes, the behaviour is serious, however, zero tolerance does not consider the youth's mitigating circumstances - the youth's home life or his/her/their learning disability. This situation could be considered harsh, and without empathy by most. Unfortunately, this is reality for a large portion of young people within our school systems. These punitive practices demean and diminish an impressionable mind, create mistrust, and often result in exclusion and more violent behaviour. These punishments are often the first step in the path of criminalizing and institutionalizing young people. Restorative practices could, instead of criminalizing our children for their mistakes and diminishing their self-worth, be used as learning opportunities - a chance to teach empathy, accountability, and the value of community.

Suspension & Expulsion

Another outcome of tough 'zero tolerance' policies within the school systems, has been a major spike of young people being suspended and expelled at enormous rates (Monahan et al., 2014). The 'zero tolerance' ideal relies heavily on the use of these severe punishments, most often removing students from their community in order for the school personnel to set examples and achieve the behaviour they desire (Hass-Wisecup & Saxon, 2018). However, do these actions achieve the desired goal, or do they create the next step in criminalizing and institutionalizing youth?

Let's explore the similarities between the punitive punishments of suspension and expulsion, and the foundational prison system. Prison, by definition, is "a state of confinement or captivity" (Prison, 2022). The idea of suspension or expulsion is really not much different. In practice, the school systems remove children away from their peers, from their community, and enact confinement either within their school, or within their place of residence for an extended

period of time - even creating a lasting record of ‘time served’ (Hass-Wisecup & Saxon, 2018).

The parallels are evident. One would hope these punishments are rarely used within schools and only for the worst cases, but unfortunately, this is not the case, and statistics support the ongoing rise in suspensions and expulsions in schools.

Comparing Common Punishments in Schools and the Criminal Justice System

School	Criminal Justice
Detention	Jail
In-School Suspension	Probation
Out-of-School Suspension	Prison
Expulsion	Life Sentence in Prison without Parole
Expulsion and Transfer to an Alternative School	Prison with Parole

(Hass-Wisecup & Saxon, 2018, p.267)

Further parallels surface within our judicial system, where prison sentences often seem handed out irresponsibly, especially within the context of a racialized person, a disabled person, and/or a queer-identifying person. This same discriminatory and unfair practice is being mirrored within our school systems, to children and teens who are often in circumstances outside of their control, and who may also identify with these specific disadvantaged populations (Monahan et al., 2014).

In most youth behavioural misconduct cases, a child who acts out is most likely a child in need of something. That ‘something’ could be anything from attention, to love, to a listening ear, to a safe place, or to even have their basic needs met. With this context in mind, two separate points are critical: 1) When disciplining a child, it is of the utmost importance to take into account any trauma, disability, or general struggle the child may be experiencing either at home or in school, that could be causing the problematic behaviour. 2) School is a safe haven for many

children. If these punishments remove a child from their safe haven and force them back into a home where they may be experiencing neglect, or abuse, it exacerbates the child's trauma (King, personal communication, 2020).

It is also important to understand that when removing a child from their community, they are not only forced to sever anchoring ties that may be keeping them from doing more harm and acting in an even more problematic way, but they are also usually home without parental supervision (Monahan et al., 2014). When children are left unattended, their likelihood of committing crime spikes, and in reality, an out-of-school suspension or expulsion can cause even worse behaviour (Monahan et al., 2014). These combined circumstances - exclusion from community, unsupervised confinement, and isolation may lead to the first-time youth come into contact with law enforcement (Monahan et al., 2014).

While the use of suspension and expulsion within schools is intended to teach and correct behaviour, it is instead working against itself and laying a foundation of 'training' for children and youth to move into the judicial system. These punishments are also raising the likelihood of these young people to commit even worse acts and behaviours and could be amplifying a very minor issue into something with a more detrimental and lifelong impact, such as receiving a charge underage.

PART TWO: Analysis of Restorative Discipline

What is Restorative Justice?

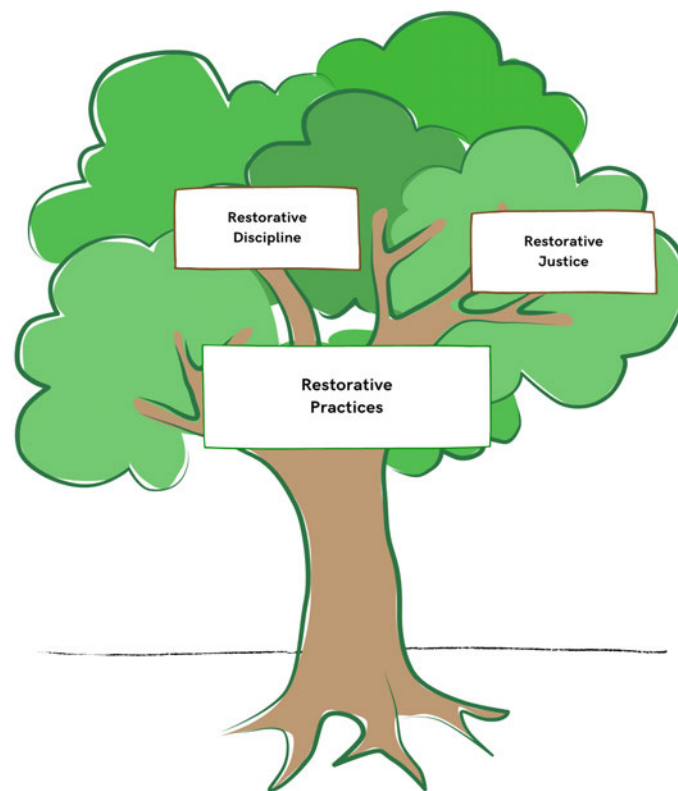
Restorative justice is an ideology created by the Indigenous peoples across Turtle Island (Canada), and Aotearoa (New Zealand) (King, personal communication, 2020). It emphasizes both the importance and value of community, empathy, understanding, listening, and contributing. It takes the idea of 'wrongdoing' and offers a chance of learning, growth, and

humility both to the offender(s), and the victim(s). Restorative justice struggles to adhere to one singular definition, although it includes up to five unique processes that are at the core of what restorative justice is: 1) victim-offender mediation/dialog, 2) family group conferencing, 3) victim impact panels, 4) peacemaking circles, and 5) sentencing/reparative boards (Hass-Wisecup & Saxon, 2018). The theory of restorative justice focuses on the repairment of harm and changing of behaviour, but it does this in a way that is both trauma-informed, and beneficial to all parties involved (Hass-Wisecup & Saxon, 2018). Restorative justice is the complete opposite of punitive in nature, and rather, it strives for healing.

While restorative justice remains a non-punitive process, many who have undergone this alternative route of justice find it is actually much more effective, and difficult (King, personal communication, 2020) than punishment. When partaking in restorative efforts, it is vital that all parties remain vulnerable, open, and willing to participate and learn, offenders included (Pranis, 2014). This is a tall order for most, but arguably, even more so for an individual who has committed a crime or caused harm. It forces the offender to reflect inwards, and to hear first-hand the damages they have caused to their society, their community, and their loved ones. They are forced to make amends, and to right their wrongs on a personal level, rather than being confined in a prison where they may never have to actually take personal accountability for their crimes and the harm done. In fact, often, prison causes individuals to become more hardened, much less responsible, and pro-social (Hass-Wisecup & Saxon, 2018). They begin to turn individualistic - believe that the world owes them something, instead of remaining collectivistic and thinking beyond themselves. This highlights another problem within our current justice system, and perhaps provides insight as to why we continue to see such high recidivism rates instead of increased rehabilitation rates within our society.

What is Restorative Discipline?

Think of restorative processes as a tall tree. From this tree, numerous branches extend as subsets of a greater concept, such as restorative justice. Another one of those branches is restorative discipline, an idea that holds the same values at its heart, and places restorative justice within an educational context, implementing the five unique processes discussed earlier, into a school setting.



Once again, this approach is non-punitive, and views discipline as a learning experience, and as an opportunity to reflect and heal both as individuals, and as a community (Hass-Wisecup & Saxon, 2018). By definition, restorative discipline is “...the implementation of a restorative approach to student discipline and collaborative problem solving in schools” (Hass-Wisecup &

Saxon, 2018). Restorative discipline is focused less on the violation of a set of arbitrary rules, but rather, how that violation affects their peers and their community (Hass-Wisecup & Saxon, 2018).

Case Study of Restorative Discipline

A Utah student named ‘Sarah’, had continually missed school due to illness, and as a result was failing her classes (Stutzman Amstutz & Mullet, 2014). After multiple attempts to contact Sarah’s mother with no response, the school made a referral to the juvenile court system, charging Sarah with truancy (Stutzman Amstutz & Mullet, 2014). The judge and probation officer assigned to Sarah’s case redirected Sarah to the Truancy Mediation program, where Sarah, her family, and the school staff agreed to participate in a restorative discipline mediation (Stutzman Amstutz & Mullet, 2014).

At the meeting, all parties felt heard, and found resolution together (Stutzman Amstutz & Mullet, 2014). The school’s attendance secretary explained the school had attempted to work with Sarah and her family but had received hostile letters addressed to the principal from both Sarah’s mother and father in response (Stutzman Amstutz & Mullet, 2014). The school personnel expressed they felt Sarah’s mother had been lying about Sarah’s illness because Sarah had been seen in town on one of the days, she had called in sick (Stutzman Amstutz & Mullet, 2014). Sarah’s mother was able to express that she had felt attacked by the school and the faculty, she felt the principal was uncooperative and rude, and explained that Sarah really was ill (Stutzman Amstutz & Mullet, 2014). Through these discussions, Sarah became emotional when asked to speak personally about her attendance (Stutzman Amstutz & Mullet, 2014). As intended by the approach, Sarah was reassured by both the mediator and the attendance secretary that she was

not in trouble, and they were all gathered together to support her and her family (Stutzman Amstutz & Mullet, 2014).

This collaborative conversation allowed the school to learn of Sarah's father's out-of-town employment, which has been lonely, upsetting, and difficult to manage for both Sarah and her mother (Stutzman Amstutz & Mullet, 2014). As a result of this added stress and grief, Sarah had developed frequent stomach aches, and her mother did not feel right making her attend school when she was not feeling well (Stutzman Amstutz & Mullet, 2014). Additionally, it was discovered that Sarah's mother did not know how to access attendance on the school's website (Stutzman Amstutz & Mullet, 2014). The opportunity to hear from all parties, allowed Sarah's mother to discover that the school personnel only cared for, and were concerned for Sarah (Stutzman Amstutz & Mullet, 2014). Now the school could empathize and more fully understand Sarah's family situation/circumstances (Stutzman Amstutz & Mullet, 2014).

As a result of this open dialogue, a proactive and positive plan was created - the mother would bring Sarah to school every day regardless of if she was sick or not (Stutzman Amstutz & Mullet, 2014). If she was sick, Sarah would be provided with personnel for her to speak with about her feelings, and if needed, she would meet with the school counsellor for one-on-one sessions (Stutzman Amstutz & Mullet, 2014). The school provided Sarah's mother with instructions on how to access the attendance online, and she completed an application for their after-school program, which offers homework support and social activities (Stutzman Amstutz & Mullet, 2014). Sarah's mother also agreed to access community-based resources if the school's accommodations were not enough (Stutzman Amstutz & Mullet, 2014). The school, Sarah, and Sarah's parents developed a written plan and requested that the court keep the case open to be reviewed in 60 days (Stutzman Amstutz & Mullet, 2014). With successful implementation by all

parties, the 60 days passed, and the judge agreed to dismiss Sarah's case (Stutzman Amstutz & Mullet, 2014).

Restorative Discipline Statistics

While the research on restorative discipline is limited for both Canada and the United States of America, there is one program targeted towards bullying, which is incredibly restorative in nature, and has been heavily researched since the late 1990s (Limber et al., 2018). The Olweus Bullying Prevention Program (OBPP) was developed in Norway by Dan Olweus and has been found to reduce bullying by fifty percent in Norway, and twenty percent in a South Carolina test, which included 39 schools spanning six school districts (Limber et al., 2018).

The common goals of the OBPP are to reduce and prevent bullying, while achieving more positive peer relations (Limber et al., 2018). The program is built on four principles guiding adult behaviour within their position of authority:

- Take a positive and warm interest in students (Limber et al., 2018).
- Create firm boundaries of unacceptable behaviour (Limber et al., 2018).
- Make use of consistent and positive repercussions to help teach appropriate behaviour while ensuring non-physical, and non-hostile consequences when rules are broken (Limber et al., 2018).
- Maintain themselves both as an authority figure and a positive role model (Limber et al., 2018).

OBPP includes eight different school and classroom-level components, and parental involvement is highly recommended at all levels (Limber et al., 2018).

1. A Bullying Prevention Coordination Committee (Limber et al., 2018).

2. Administration of an annual Olweus Bullying Questionnaire (Olweus, 2007, as cited in Limber et al., 2018).
3. Training and ongoing discourse for all members of the coordination team, including school personnel (Limber et al., 2018).
4. Outline clear rules and policies regarding bullying (Limber et al., 2018).
5. Consistently review and refine the school's supervisory system to reduce bullying (Limber et al., 2018).
6. Provide consistent student meetings to build an understanding of bullying and related issues through discussion and role play, to help build awareness and class cohesion (Limber et al., 2018).
7. Provide both transparent and consistent posting of school-wide rules against bullying (Limber et al., 2018).
8. Hold consistent meetings with parents at the class-level (Limber et al., 2018).

In Norway, the OBPP was tested regularly for two years, and in addition to the findings of a fifty percent reduction in self-reported bullying, a forty percent reduction in self-reported victimization was also achieved (Limber et al., 2018).

In a separate study of restorative practices, it was determined “...human beings are happier, more cooperative, and productive, and more likely to make positive changes in their behavior when those in positions of authority do things with them, rather than to them, or for them” (Wachtel, 2005, as cited in Wachtel, 2016). These benefits are likely positive outcomes seen with the OBPP program as well because it is a very collaborative approach among the school personnel, students, and parents. The OBPP program empowers students and parents to

make bullying a top priority, and to work *with* the school and teachers to reduce and prevent bullying, rather than the responsibility falling solely on the school and staff.

OBPP also provides students a sense of feeling cared for and liked by their teachers, which has been shown to be integral to children and youth's academic success (Limber et al., 2018). When meaningful relationships are established through a program such as OBPP, students are much more likely to be motivated, and to resist behaviours that may become detrimental to their community (Limber et al., 2018). The OBPP is not only a way to prevent and reduce bullying, but it can also be a way to uplift their community, and build strong, essential relationships with their teachers, their parents, and each other.

What is the School-to-Prison Pipeline?

The school-to-prison-pipeline is the propensity for young adults to become incarcerated because of continued harsh and punitive practices they experience in school (Monahan et al., 2014). This concept foundationally argues that when a student becomes expelled or suspended, it pushes them closer toward a future in prison (Monahan et al., 2014). This phenomenon is heavily associated with zero tolerance policies and can be associated with the criminalization of students (Monahan et al., 2014). Statistically, most individuals who are currently imprisoned, have at some point in their academic career, been expelled or suspended from school (Aull, 2012). This concept can also provide a reasonable explanation for why so many incarcerated individuals have less than a high school diploma (Aull, 2012).

School is a vital and beneficial tie for students to both their community, and their ability to remain socially compliant. Within the concept of the school-to-prison pipeline, when students' ties to their social and community guidelines are stripped away due to disciplinary action, the

individual becomes much more likely to continue deviant behaviour and misconduct, ultimately leading to prison, either as a youth, or as an adult (Monahan et al., 2014).

Case Study of the School-to-Prison Pipeline

On June 30th, 2015, a court hearing in the province of Ontario was held for two students simultaneously, J.R. and J.D. (*R v J.D.*, 2015 ONCJ 550 at para 3). At the time of the offence, J.R. was fifteen years old, and J.D. was seventeen years old (*R v J.D.* at para 21 & 27). Together, J.D. and J.R. had physically assaulted their mutual acquaintance, E.W., leading to severe bodily harm (*R v J.D.* at para 5 & 7-9).

Prior to the physical assault, J.R. had been the victim of ongoing bullying and abuse from both her classmates, and her stepfather (*R v J.D.* at para 27). She was using substances to excess, associating with negative, anti-social peers, struggling with undiagnosed ADHD, self-harming, and even experiencing suicidal ideation at the young age of ten (*R v J.D.* at para 28-29). J.R. had been suspended and expelled from school numerous times leading up to her most recent offence and had been mandated to change schools at least three times due to truancy, skipping exams, skipping classes, and using inappropriate language (*R v J.D.* at para 29). Three weeks prior to J. R.'s assault of E.W., J.R. was handed yet another six-month suspension, with the possibility of expulsion due to an assault on a different classmate (*R v J.D.* at para 29). While J. R.'s behaviour was detrimental, indifference to her greater story, and the punitive action of multiple expulsions from various educational institutions was in no way beneficial to J.R, nor did it apparently change the behaviour. In fact, these punitive consequences created repeat misbehaviour, and even more problems than resolutions.

Imagine what could have been different if J.R. had been provided some compassion and empathy, some support from her community, and an alternate disciplinary action from her school

at the time of the first assault? It appears that rather than trying to understand the root cause(s) of J.R.'s difficulties long prior to the assault of E.W., rather than the schools intervening with an obviously struggling student, she was expelled and moved, not once, but three separate times to other schools, who continued the punitive cycle.

Sadly, the story of J.R. is common, and could have been completely prevented if the schools had intervened in a different way. If J.R. was given a chance to correct her behaviour through restorative measures. This example demonstrates the school-to-prison pipeline in action; a student who was likely deemed 'a problem', or 'too troubled' by the school system was not important enough to be offered correct resources, or appropriate, pro-social disciplinary action. J.R.'s story would have been vastly different if she were given a different disciplinary path of restoration and healing - guidance in a new way.

School-to-Prison Pipeline Statistics

While there are no hard statistics available for the school-to-prison pipeline, there are some statistics provided through both the Canadian government, and the Edmonton public school system which show an incredible link between suspension and expulsion rates, and the incarceration rates of youth.

Between 2015 and 2016, the Edmonton public school system had a total of 41,451 students enrolled in junior and senior high schools (French, 2017). In the same timeframe, the total number of student suspensions reached 3,996, and 245 expulsions (French, 2017). This translates to 9.64% of their school population receiving suspension, and 0.59% given expulsion. Within the same calendar year in all of Canada, there were 8,455 youths involved in some type of correctional supervision, including incarceration, resulting in a youth punitive disciplinary rate of 0.49% (Statistics Canada, 2017).

At face value, these rates may not seem significant, but when comparing the rate of expulsion to the rate of correctional supervision, the linkage is reasonable. As we have seen from J.R.'s story, the culprit of 0.49% does not seem to be suspension per se, although it does act as almost a gateway, but it is in fact expulsion that seems to be the main driver for something such as the school-to-prison pipeline. First, a child is suspended, and then expelled, and then 0.49% of the time, will come into contact with law enforcement, leading them towards some form of correctional supervision. The pipeline then, is incredibly evident, and unfortunately, the reality for many children and youth, just as it was for J.R.

Labels & Biases

Another contributing factor that plays a major role in the criminalization of young people within the context of the school-to-prison pipeline, is a natural tendency for humans to assign labels and develop biases, whether consciously or unconsciously. Considering J.R.'s example, it is easy to assume the school personnel would develop unintended biases toward J.R., and potentially label her a 'problematic child' after her first offence. Unfortunately, these labels and biases could also lead to continued issuance of suspensions or expulsions for future discipline needs, continuing the cycle of punishment, instead of exploring alternate options or taking time to understand the circumstances more fully.

In reality, when school personnel are faced with a complex child, most feel stressed and unprepared to handle inappropriate behaviours, and are likely to resort back to their natural biases, which informs future decisions of how they will react should the time come to discipline again. The problem is, if the teachers and school personnel remain unaware of their tendencies, and if these labels and biases remain unchecked and unchallenged, most will find it even harder to instil empathy, and compassion into their actions. Often the opposite occurs, and educators

default to harsh, more punitive, actions in order to ‘teach them a lesson’. Worse yet, are the situations when the student continues to act out, and the teachers simply ‘do not care’ anymore or ‘write them off’ and are not willing or able to work with the student ‘where they are at’.

Every individual has biases we should be aware of, check often, and hold ourselves accountable for, but when a student acquires a label or is a victim of bias, they may pay a steeper price than perhaps another, ‘better’ student. Labels and biases go both ways, and another ‘good’ student who found themselves in a similar circumstance, may be considered with more compassion and options.

Informing Racism, Sexism, Homophobia, and Ableism

Labels and biases can quickly transform into one of the many ‘isms’ that minority students face on a daily basis. Statistically, Black, Indigenous, and Hispanic students are much more likely to receive multi-day school suspensions than their Caucasian classmates, even when guilty of the exact same rule violations (Monahan et al., 2014). This too, is reminiscent of similar challenges within the justice system, and these same biases within the school-to-prison pipeline is another way a racialized person could potentially come into contact with law enforcement.

Not only are Black, Indigenous, and Hispanic students much more likely to be victims of punitive suspension and expulsion policies, but young males are as well. In fact, male youth are actually four times more likely to experience a suspension or expulsion than their female counterparts (Monahan et al., 2014). Once again, the higher rate of male youth who experience suspension and expulsion aligns with the justice system as a whole, because statistically, the majority of individuals offending tend to be young males.

In the case of punitive policies for young females, the age-crime curve for girls peaks much earlier than for boys, which leads to a conclusion they may participate in school rule

violation much earlier than their male classmates (Loeber et al., 2013). However, this only remains true until a young female identifies herself as part of the LGBTQ2S+ community. Non-heterosexual youth are administered much harsher, and more punitive punishments than their heterosexual classmates, and in fact, 90% of LGBTQ2S+ youth that have been placed within custody have been suspended or expelled from their school at least once (Wilber, 2015).

A staggering average of three out of four (3/4) students who qualified for special education services, or students with disabilities, who were labelled as having an “emotional disturbance”, were especially likely to be suspended or expelled from school at least once (Fabelo et al., 2011). However, it is important to note, there is a spectrum of punishment within this student population, as students who were diagnosed as autistic were much less likely to experience punitive disciplinary measures as their able-bodied classmates (Fabelo et al., 2011).

Even more complex is the example of Sarah. What happens when the student is struggling on multiple levels and requires special attention, causing them to miss a large portion of school? Sarah experienced both physical, mental, and emotional upheaval, and the school’s disciplinary actions forced her to come into contact with law enforcement, and even enter into the juvenile justice system. It is unfortunate that Sarah was forced into the court system at all. Were the schools more prepared and advanced in disciplinary programs and practices, she could have been offered the Truancy Mediation Program up front, rather than navigating the court system, and a juvenile record.

PART THREE: Canadian Implementation

Canadian Context

How could Restorative Discipline be effectively implemented in Canada, to change overly punitive policies and reduce the school-to-prison pipeline? In reality, restorative justice as

a whole, is very much a Canadian idea. Originally, it was our Indigenous brothers and sisters who spoke about and offered information on how punitivity and overly harsh punishments may not be the correct answer for both the judicial system and the school systems (King, personal communication, 2020). Yet very little is being done to help implement this idea and its policies within the Canadian school systems in a more beneficial and intentional way.

In a review of Canadian school system policies surrounding discipline practices in Regina, Toronto, Winnipeg, Edmonton, Nova Scotia, and Vancouver, it is clear that most schools still rely primarily on punitive disciplinary action, including suspension or expulsion. While nearly every school board had at least one mention of restorative processes and practices, their explanations were minimal (one - two sentences) and vague and were buried deeply within their punitive policies.

Province/City	Mention of Restorative Discipline	Mention of Suspension	Mention of Expulsion	Mention of Restraint
Regina	No (Not explicitly)	Yes	Yes	Yes
Toronto	Yes	Yes	Yes	No
Winnipeg	Yes	Yes	Yes	No
Edmonton	Yes	Yes	Yes	No
Nova Scotia	Yes	Yes	No	No
Vancouver	Yes	Yes	Yes	No

Even further nuances existed in Regina, Edmonton, Nova Scotia, and Vancouver. Regina policies went into deep description of when and where suspension and expulsion is used within their schools (Regina Public Schools, 2015). They were also the only school board studied to offer ‘restraint’ as a form of discipline (Regina Public Schools, 2008). In Regina’s policies, there

was no explicit mention of restorative practices or processes. The only relevant reference mentioned was their usage of “community team approaches”, described as a sort of wrap-around support where they involve the school, family, and community-based resources in order to address the needs of a violent or disruptive youth (Regina Public Schools, 2008). While this approach does give hope of progress, it cannot be classified as restorative because it still focuses on the behaviour of the student, rather than more broadly including how their behaviour has affected others, and the school-based community.

Edmonton referenced restorative practices and processes far more than the other school boards (Edmonton Public Schools, 2021), however, they did not go into detail of when, where, or how it would be used. Edmonton’s policies offered a detailed definition and some examples of mediation and counselling, which when compared, were in the minority among other school systems (Edmonton Public Schools, 2021). Edmonton may still lack transparency as much as the vast majority of school policy handbooks, but it is important to note their attempt to incorporate a few of these ideals into their discipline practices.

The Provincial School Code of Conduct for Nova Scotia did not mention the use of restraint or expulsion once, within their policies (Nova Scotia Canada, 2015). This is not to say it is never used in practice, but policy-wise, it is not a form of discipline that seems actively used within their province.

The last code of conduct worth highlighting is the Vancouver District Student Code of Conduct, which spoke of restorative practices a few times, and offered examples of how restorative practices can be beneficial to children, they recognized the practices as a way to increase empathy, rebuild community, offer a sense of safety, and be preventative in nature (Vancouver School Board, 2021). However, no definition was provided for parents and students

who may inquire. Like the other schools, they did not mention when, where and how this kind of practice would be implemented. Vancouver policies also included a lengthy report on their use of suspension, outlining the numerous levels of suspension, an appeal process, and special considerations for elementary aged students, as well as special/diverse students' needs (Vancouver School Board, 2021). Expulsion was only mentioned once and explained that expulsion is only intended for use with students over the age of sixteen (Vancouver School Board, 2021). While Vancouver's restorative discipline policies could certainly be expanded upon, their commitment to transparency and fairness regarding their suspension use is promising and tops the Canadian School Boards for the most acknowledgement and alignment to restorative practices, compared to the other school boards across Canada.

Implementation of Restorative Discipline Within a Canadian Context

Changing the mindset of our school systems to make restorative practices and processes the norm, starts with government oversight and policy. As it currently stands, education is controlled primarily through each provincial government across Canada, and each province has its own individual Education/School Act in place. In review of the Education/School Acts of the provinces previously mentioned, all Acts explicitly stated the use of suspension and expulsion, and none referenced any form of restorative discipline or practices at all. Amending the Education/School Acts to include restorative discipline practices and guidance is absolutely vital if society wants to instil change. We must start with government oversight in order to eliminate punitive policies that are potentially leading our children down a path to incarceration.

Recommendations

While it is vastly important that the government of Canada and the provincial governments across the nation begin adopting and integrating the ideology of restorative

discipline to enable the positive outcomes of restorative practices, it is incredibly challenging for legislative change to occur quickly. Rather than wait, schools at the individual level are capable of implementing a broad range of restorative practices into their day-to-day discipline routines immediately. Teachers, principals, and attendance secretaries alike, can take action. The following list outlines five restorative process recommendations that every school can, and should, put into practice today.

Number One: Victim-Offender Mediation

Victim-offender mediation is a restorative practice that is often used within the justice system after a crime has taken place. This type of mediation brings the victim and the offender together with their families, and representatives from the greater community, to discuss the impact of a crime, and allows for creative problem solving to best repair the harm that has been done (Hass-Wisecup & Saxon, 2018). This process can be easily adapted to fit within a school setting and works incredibly well to address issues and deter recurrence. In a restorative-based school program, a similar process can bring together both/all students to mediate issues such as bullying and hate crimes, under the facilitation and guidance of a teacher, counsellor, or principal, wherever appropriate to do so (Hass-Wisecup & Saxon, 2018).

If allowing both students to participate actively together could create more difficulty or damage, schools can always adapt by facilitating private conferences with both students independently (Hass-Wisecup & Saxon, 2018). Regardless of whether the students are within the same room at the same time, the intended goals of understanding impact, recognizing harm, ensuring safety, and seeking repair and restoration collaboratively, can still be achieved (Hass-Wisecup & Saxon, 2018).

Number Two: Truancy Conference

A truancy conference, or a truancy circle, is a restorative discipline process in which a difficult, or complex student situation brings together the family, teachers, and school administration staff to discuss current and arising issues the student may be facing, such as school attendance or cheating (Hass-Wisecup & Saxon, 2018).

The ultimate goal of a truancy conference is to create a positive and supportive plan, rather than punishing the student for ‘something’ that is likely much deeper and more complex than simply school attendance (Hass-Wisecup & Saxon, 2018). This type of setting allows each party, and particularly the student, to feel heard (Hass-Wisecup & Saxon, 2018). The collaborative approach often gets to the root of the issue(s) and motivation behind the truant actions, and helps the student feel supported (Hass-Wisecup & Saxon, 2018). A truancy conference also fosters an environment where the student can be part of the solution, and gain ownership of their own behaviour, much like a victim-offender mediation (Hass-Wisecup & Saxon, 2018).

Number Three: Talking Circles

In restorative justice practices, a talking circle, or a peacemaking circle, provides the greater community a chance to discuss underlying, or complex issues with one another in a safe space (Hass-Wisecup & Saxon, 2018). The circle is facilitated by a circle keeper, likely a teacher, counsellor or principal within an educational context, and a talking piece is passed around the circle, allowing each participant the opportunity to be heard by their peers, and their teachers (Hass-Wisecup & Saxon, 2018).

A talking piece can be anything that holds some sort of value to the greater community, a special item, or some sort of ‘swag’ with the school’s logo. What is used as the talking piece is

not critical, as long as the students understand whoever holds the piece, is the one whose turn it is to communicate within the dialogue, and their opportunity to tell their story. This also creates an opportunity for effective communication, understanding and alternate perspectives (Hass-Wisecup & Saxon, 2018).

Number Four: Reintegration Circles

The reintegration circle is an approach that can be used when a student is returning to school from a disciplinary action, such as detention or suspension (Hass-Wisecup & Saxon, 2018). The student, parents, teachers, and school administrators would convene to discuss the re-entry and reintegration process of the student, back into their academic and social life (Hass-Wisecup & Saxon, 2018). In reintegration circles, participants discuss how the student can best repair the harm that has been done to other individuals affected or the school and agree to plans of support to help meet the needs of the student, and other individuals during the re-entry (Hass-Wisecup & Saxon, 2018).

Number Five: Reparative Boards

While reparative boards, also known as fairness committees, may be more difficult for schools to implement with limited resources, money and time, their usefulness simply cannot be overstated. Frequently used within probation agencies as a way to increase community participation for juvenile and criminal justice, they can also be implemented within schools to include a healthy mix of students, teachers, and school personnel (Hass-Wisecup & Saxon, 2018). The goals of a fairness committee are to increase student participation within disciplinary practices and policies, help address specific instances of student violations of their school code of conduct, and to make decisions on how behaviours will be corrected (Hass-Wisecup & Saxon, 2018). Fairness committees are used effectively to address a multitude of issues ranging from

academic misconduct to problems with social behaviour, such as vandalism or inappropriate speech (Hass-Wisecup & Saxon, 2018).

When creating a fairness committee, the school will reap benefits of increased transparency, inclusivity, and instil appropriate ways to deal with student behaviour (Hass-Wisecup & Saxon, 2018). Fairness committees have also been known to increase not only participation, but collective efficacy within an education context, which is incredibly important for a healthy environment for students to flourish and thrive (Hass-Wisecup & Saxon, 2018).

PART FOUR: Discussion and Conclusion

Discussion

Restorative Discipline has the potential to be the answer to one of the most heavily debated topics within Western society; the best way to discipline our children. As stated in the introduction, opinions vary, and restorative discipline is only one-way disciplinary action can progress beyond punitive responses in our school systems, but it could be a big way. The normal approach to discipline in schools is punitive consequences to arbitrary policies that most school systems do not, or will not explain, outline, or document. Parents and students are often in the dark about potential outcomes of behaviours until they happen. Studies have shown schools misuse suspension and expulsion as the primary or only solutions, which can lead children toward an alternate path in life of worst case - criminalization and institutionalisation. There seems to be a culture of secrecy, avoidance, and acceptance that current disciplinary actions in schools are effective and beneficial. However, the school-to-prison pipeline in Canada is real. This phenomenon increases crime rates in Canada, and yet we still pay little attention. There is a better way, found within a restorative discipline paradigm.

Let's put the student first, involve the parents and guardians more effectively in their children's discipline in schools, and let's teach, not punish. Let's change the narrative of a 'problem child' and see a child in need of guidance and learning. Let's teach our children and students empathy, compassion, non-violence, and the importance of community. Let's fulfil our role as adults and authority figures to provide a safe learning environment, where children are free to make mistakes, while ensuring their behaviour will not affect them negatively for the rest of their lives.

It is of the utmost importance that we offer our children chances, opportunities to grow, and flourish into compassionate, well-adjusted adults. When children are punitively disciplined, resulting in a push through the school-to-prison pipeline, they learn nothing but lower self-esteem, isolation, exclusion, and self-interest, all of which can also lead to violence. If we want to avoid the continued harsh impacts, and the risk of institutionalising our children, we must first begin by making changes within the school systems. We must do better than we did with J.R., who was offered nothing but expulsion after expulsion. We must strive for the better outcomes experienced by Sarah - with grace, compassion, and understanding. We must disrupt the norms of our current Western school systems, by investing in and researching alternate disciplinary practices like restorative discipline.

Conclusion

With new information presented in this thesis, I am hopeful that restorative discipline can be at the forefront of our children's future, to ensure the justice system is not. Students come to their school every day with good intentions to be successful and learn, not create a potential path towards incarceration. Day to day life for students around the world is harder than it's ever been;

they have deep, complex interpersonal struggles daily, and many will be headed to the courtroom because of current disciplinary practices completely within our control.

We can stop this continued indoctrination, but it starts with parents, teachers, and school administrators who advocate for change. Those who will begin implementing small, everyday things to alter their disciplinary regime for the better, those who see opportunity to focus on the collective good and forgo the historical and truly problematic approaches of the past. Small successes draw attention to what's possible, create opportunities to research and study positive models in action, and create proof of the incredible impact restorative discipline in schools could have. These stepping stones of success will gain influence with provincial and federal government policies across Canada to affect broader change, and deeper impact.

By using the five restorative discipline recommendations outlined above, we can begin to transform our school systems, one school at a time. Our *justice* system is not for children, the *school* system is. We must foster and grow generations of the future, and teach the value of community, rather than individualism. We must leverage restorative practices to create a nurturing, compassionate, and safe environment to empower student's learning in a classroom, rather than a courthouse.

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