

## **Off the Street: Toward Restorative Justice Programs in School Disciplinary Settings**

In the early 1990s, in response to federal legislation, school districts across the nation began to enact punitive zero tolerance disciplinary policies. To decrease what was widely believed to be a nationwide increase in school violence, administrations imposed harsher sanctions on students. However, over time, without minimizing school violence, zero tolerance policies led to an increase in arrests, citations, and student suspension, expulsion, and dropout rates, all while failing to minimize school violence. Such adverse effects indicate that zero tolerance policies are ineffective and counterproductive. While some schools have shifted away from these punitive systems, most still rely on zero tolerance policies as a means of disciplining students. The minority of schools that recently eliminated zero tolerance policies has done so in favor of a more repair-based, transformative program called restorative justice, which has resulted in a decrease in overall school violence and suspension rates. This successful transition toward restorative justice signifies that an alternative student disciplinary approach can be effective. This article will therefore explore the background of zero tolerance school policies and their shortcomings in implementation, introduce the restorative justice method as an alternative disciplinary scheme, and highlight the advantages and successes of the method, arguing for a shift toward restorative justice in schools.

Typically, zero tolerance policies refer to popular school disciplinary schemes that require strict, predetermined consequences specific to student behaviors.<sup>1</sup> School teachers and administrators have little to no discretion in determining when to enforce punishments that often

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<sup>1</sup> J. Kevin Jenkins & John Dayton, *Students, Weapons, and Due Process: An Analysis of Zero Tolerance Policies in Public Schools*, 171 ED. LAW. REP. 13, 18 (2003). See also Alicia Insley, *Suspending and Expelling Children From Educational Opportunity: Time To Reevaluate Zero Tolerance Policies*, 50 AM. U.L. REV. 1039 (“Zero tolerance

create harsh, unnecessary penalties for unintentional or small offenses.<sup>2</sup> Such policies are rooted in U.S. federal drug policy starting in the 1980s. Attempting to make a commanding statement against the increasing drug problem in the county, the federal government started the “War on Drugs,”<sup>3</sup> instituting severe punishments whenever police officers discovered any form of illegal drug, even in trace amounts.<sup>4</sup> As schools concurrently experienced increased drug-related problems and also an intensive school violence campaign spearheaded by the media,<sup>5</sup> school boards and administrators nationwide began adopting similar student disciplinary policies.<sup>6</sup>

The policies became particularly prevalent after Congress passed the Gun Free Schools Act of 1994<sup>7</sup> (“The Act”) to fight a purported increase in school violence. The Act mandated that each state receiving federal funds for educational purposes require its schools to “expel from a school for no less than one year any student who was determined to have brought a weapon to school.”<sup>8</sup> All 50 states later passed such legislation, thereby creating zero tolerance policies in every publicly funded school in the country.<sup>9</sup> The word “weapon” originally referred only to firearms. Later, however Congress amended The Act to expand the term to include any device that “may be used as a weapon.”<sup>10</sup> States could therefore construe the definition quite broadly, eventually considering items such as nail clippers and toy squirt guns to be weapons.<sup>11</sup> Eventually, many school boards decided to expand zero tolerance policies to cover not only

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<sup>2</sup> Jenkins & Dayton, *supra* note 1, at 18; see Whitehead, *infra* note 25.

<sup>3</sup> Wayne L. Mowery, Jr., *Stepping up the War on Drugs: Prosecution and Enhanced Sentences for Conspiracies to or Distribute Drugs Under State and Federal Schoolyard Statutes*, 101 DICK. L. REV. 703, 704 (1997).

<sup>4</sup> Jenkins & Dayton, *supra* note 1, at 19.

<sup>5</sup> Sheena Molsbee, *Zeroing Out Zero Tolerance: Eliminating Zero Tolerance Policies in Texas Schools*, 40 TEX. TECH. L. REV. 325, 331 (2008).

<sup>6</sup> *Id.* at 332.

<sup>7</sup> Gun Free Schools Act of 1994, 20 U.S.C. § 8921(b)(1) (1994).

<sup>8</sup> *Id.*

<sup>9</sup> Gun-Free Schools Act of 1994 § 20 U.S.C. 1032 (1994); Molsbee, *supra* note 5, at 332.

<sup>10</sup> Jill Richards, Comment, *Zero Room for Zero Tolerance: Rethinking Federal Funding for Zero Tolerance Policies*, 30 U. DAYTON L. REV. 91, 98 (2004).

<sup>11</sup> *Id.* at 98, 100.

violent acts, but also drug possession and other non-violent disruptive behavior.<sup>12</sup> Some policies even expanded to include tardiness and out-of-school behavior.<sup>13</sup>

The Act also forced schools to integrate their disciplinary schemes with those of local police department so that students would fear discipline.<sup>14</sup> To comply with The Act, schools were required to report certain serious offenses to the police station, and in turn, zero tolerance policies led to mandatory criminal sanctions for single violations. This chain of events paved a road to the jailhouse for children.<sup>15</sup> Although schools were allowed to review zero tolerance policy offenders on a case-by-case basis to avoid senseless discipline, many school boards chose not to exercise this right, instead opting to suspend, expel or report offenders for any infraction covered under the policy.<sup>16</sup>

Today, over 14,000 school districts nationwide use some form of zero tolerance policy,<sup>17</sup> and, not surprisingly, studies show that they have not only been unsuccessful in reducing student violence, but that they have produced other negative consequences as well. In schools that have expanded zero tolerance policies to include minor misconduct, more students are being excluded from their learning environments, and these exclusions are generating problems including higher suspension and expulsion rates, an increased number of students in the criminal law system, and higher high school dropout rates—all while school safety fails to improve.<sup>18</sup> Although many zero tolerance proponents advocate that such policies create safer schoolhouse environments, numerous studies show that this belief is inaccurate.<sup>19</sup> When students are expelled or suspended,

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<sup>12</sup> Molsbee, *supra* note 5, at 333.

<sup>13</sup> RUSSELL J. SKIBA, IND. EDUC. POL'Y CTR., ZERO TOLERANCE, ZERO EVIDENCE: AN ANALYSIS OF SCHOOL DISCIPLINARY PRACTICE, 2 (2000).

<sup>14</sup> *Id.*

<sup>15</sup> *Id.* See also Richards, *supra* note 9, at 96.

<sup>16</sup> Molsbee, *supra* note 5, at 332.

<sup>17</sup> Molsbee, *supra* note 5, at 334.

<sup>18</sup> *Id.* at 335.

<sup>19</sup> Gonzalez, *supra* note 16, at 297.

they generally return to school and either repeat the behavior for which they were originally punished, or they engage in even worse misconduct.<sup>20</sup> Indeed, a 2006 study by the American Psychological Association that reviewed the effectiveness of zero tolerance policies over a ten-year period determined that such policies failed to improve school safety in any way.<sup>21</sup> Instead, it increased school suspensions and expulsions, with 40 percent of those punishments issued to repeat offenders.<sup>22</sup>

Indeed, suspensions and expulsions have nearly doubled since zero tolerance policies were first adopted, now affecting over three millions students a year.<sup>23</sup> Of those three million students, only three percent were suspended or expelled for serious violations,<sup>24</sup> whereas 97 percent were punished for minor offenses, including a thirteen-year-old boy suspended for bringing powdered sugar, a “drug look-alike substance” to school for a science project, and a nine-year old boy suspended for bringing a two-inch toy gun to school as part of a policeman-themed “LEGO” toy.<sup>25</sup>

The less tangible effects of these increased student suspension and expulsion rates are particularly worrisome. The National School Boards Association, reporting on the effect of suspensions and expulsions, noted that “suspended students lose valuable instruction and are likely to distrust the authority that has rejected them,”<sup>26</sup> leading troubled students to increase

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<sup>20</sup> Skiba, *supra* note 12, at 2.

<sup>21</sup> American Psychological Association Zero Tolerance Task Force, *Are Zero Tolerance Policies Effective in the Schools?: An Evidentiary Review and Recommendations*, 63 THE AM. PSYCHOLOGIST 852, 853-55 (2008).

<sup>22</sup> *Id.*

<sup>23</sup> Advancement Project, *Education on Lockdown: The Schoolhouse to Jailhouse Track 15* (2005); Cherry Henault, *Zero Tolerance in Schools*, 30 J.L. & EDUC. 547, 550 (2001).

<sup>24</sup> Molsbee, *supra* note 5, at 336.

<sup>25</sup> John W. Whitehead, *Zero Tolerance Schools Discipline Without Wiggle Room*, HUFFINGTON POST: THE BLOG, (Feb. 8, 2011) [http://www.huffingtonpost.com/john-w-whitehead/zero-tolerance-policies-schools\\_b\\_819594.html](http://www.huffingtonpost.com/john-w-whitehead/zero-tolerance-policies-schools_b_819594.html).

<sup>26</sup> Paul M. Bogos, *Expelled, No Excuses, No Exceptions: Michigan's Zero-Tolerance Policy in Response to School Violence: M.C.I.A. Section 380.1311*, 74 U. DET. MERCY L. REV. 357, 380 (1997).

their misbehavior in delinquent ways.<sup>27</sup> Moreover, suspensions and expulsions are linked to children falling behind in school, failing a grade, and dropping out.<sup>28</sup> That is because when students are forced out of the classroom and have no legitimate opportunity for alternate education, they undoubtedly fall behind in their schoolwork, causing them to either fail classes or repeat an entire grade.<sup>29</sup> Of the 2,500 students who drop out of school every year, 30 percent have previously been suspended<sup>30</sup> and when asked, ten percent give suspension or expulsion as the reason for dropping out.<sup>31</sup> In fact, students who are suspended three or more times by the time they reach the tenth grade are five times more likely to drop out of school than are their peers who have never been suspended.<sup>32</sup> While suspensions and expulsions may be intended to increase student performance in school, they often have the opposite effect.

These increased dropout rates, in conjunction with expulsions and suspensions, also lead to a decreasingly safe community environment and a spike in incarcerated minors. Unsupervised breaks from school provide students with the perfect opportunity to engage in either substance abuse or other criminal activity.<sup>33</sup> Moreover, even when students do not permanently leave school, school punishment often results in simultaneous criminal ticketing and arrests<sup>34</sup> because of the Act's requirement that schools refer punished students to the juvenile justice system.<sup>35</sup> Students are then cited or detained for behavior that, as an adult in out-of-school context, would

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<sup>27</sup> Henault, *supra* note 23.

<sup>28</sup> Kathleen DeCataldo & Toni Lang, *Keeping Kinds in School and Out of Court: A School-Justice Partnership*, 83 N.Y. St. B.J. 26, 27 (2011).

<sup>29</sup> Molsbee, *supra* note 5, at 346.

<sup>30</sup> *Id.*; Joseph Lintott, Note, *Teaching and Learning in the Face of School Violence*, 11 GEO. J. POVERTY L. & POL'Y 553, 562 (2004).

<sup>31</sup> Richards, *supra* note 9, at 110; Molsbee, *supra* note 5, at 346.

<sup>32</sup> DeCataldo & Lang, *supra* note 28, at 27.

<sup>33</sup> *Id.*

<sup>34</sup> Molsbee, *supra* note 5, at 339.

<sup>35</sup> *Id.*;

never warrant criminal involvement.<sup>36</sup> Those effected students are then issued criminal records or are forced to miss further schooling because they are unjustly detained in the justice system.<sup>37</sup> The result is what has come to be known as the school-to-prison pipeline.<sup>38</sup>

In response to this increasingly problematic school-to-prison pattern, in February 2001, the American Bar Association recommended ending zero tolerance policies in schools.<sup>39</sup> The Association released a report, stating that “zero tolerance has become a one-size-fits-all solution to all the problems that schools confront...[and has] redefined all students as criminals, with unfortunate consequences.”<sup>40</sup> Later reporting on the problems with zero tolerance mandatory discipline itself, Judge Clyde Hamilton of the Fourth Federal Circuit also stated, “such a policy has stripped away judgment discretion on the part of those administering it; refuting the well established precept that judgment is the better part of wisdom...”<sup>41</sup> These criticisms highlight two of the many reasons why zero tolerance policies in school are failing, and why they must be discarded in favor of a better disciplinary model.

One solution to fixing disciplinary policies in schools is a shift away from a punitive disciplinary scheme toward a more community-based, transformative program called restorative justice,<sup>42</sup> a method that has already proven to be successful in a handful of schools. Restorative justice is known for “bringing together the parties who identify as stake-holders in communal, non-hierarchical dialogue about the consequences of a harm, providing them an opportunity to

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<sup>36</sup> Marc Levin, *A New Texas Pipeline: Zero Tolerance for Texas Kids*, in OVERCRIMINALIZATION (July 6, 2006), <http://www.texaspolicy.com/center/effective-justice/opinions/new-texas-pipeline>.

<sup>37</sup> Molsbee, *supra* note 5, at 346.

<sup>38</sup> The realities of the school to prison pipeline are beyond the scope of the paper, but when schools fail to educate children through graduation, those student dropouts often tend to end up in prison. *School-to-Prison Pipeline*, American Civil Liberties Union, <http://www.aclu.org/racial-justice/school-prison-pipeline>. The ACLU defines the “school-to-prison pipeline” as “a disturbing national trend wherein children are funneled out of public schools and into the juvenile and criminal justice system.”

<sup>39</sup> Henault, *supra* note 23, at 548.

<sup>40</sup> *Id.*

<sup>41</sup> *Ratner v. Loudoun Cnty Public Schs.*, 16 Fed. Appx. 140, 143 (4th Cir., 2001).

<sup>42</sup> *See Gonzalez, supra* note 16, at 284. The use of Restorative Justice was first documented in Australia in the early 1990s. Since that time, it has grown internationally and has begun to be studied extensively in the United States.

discuss what is to be done to repair the situation.”<sup>43</sup> It has three main objectives: holding offenders accountable for their misbehavior, repairing the harm to the victims, and providing support for reintegration into the community.<sup>44</sup> None of these goals involve punitive actions or alienation. By incorporating this type of a balanced disciplinary scheme, which involves not only the offender but also any victims, into school policy, schools can promote a healthier, stronger school community, which can in turn advance a safer school environment.<sup>45</sup>

On a more specific level, restorative justice focuses entirely on healing the students involved in misconduct and incorporating them back into their school community. It is based on the premise that when a student misbehaves, he or she breaches a “social contract” with the community.<sup>46</sup> It is thus the school’s duty to hold the offender accountable for his or her actions and to repair the damage he or she caused.<sup>47</sup> Accordingly, instead of alienating a student by way of expulsion or suspension, the community works to find a way to reintegrate the student into the school, teaching him or her about accountability and helping him to restore or create relationships with those involved.<sup>48</sup> Because of this nature of this restorative program and its individualized responses, there is no one-size-fits all reaction to any single offense.

There are many implementation models available to incorporate restorative justice methods into school disciplinary schemes. Three of the most popular and well-studied models include student circles, peer juries, and mediation conferences. Each model is voluntary after the

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<sup>43</sup> *Id.* at 557. See also Gillean McCluskey et al., *Can Restorative Practices in Schools Make a Difference?*, 60 EDUC. REV. 405, 407-08 (2008). “Within the school context, restorative justice is broadly defined as an approach to discipline that engages all parties in a balanced practice that brings together all people impacted by an issue or behavior.”

<sup>44</sup> *Id.*

<sup>45</sup> Gonzalez, *supra* note 16, at 297-98.

<sup>46</sup> *Id.* at 300.

<sup>47</sup> *Id.*; DANIEL W. VAN NESS & KAREN HEETDERKS STRONG, RESTORING JUSTICE (1997).

<sup>48</sup> Gonzalez, *supra* note 16, at 300.

offender first admits guilt or has been determined to be guilty of the offense at issue.<sup>49</sup> To be effective, the methods must include some format of “shaming” the offender so that he understands the effect his actions had on the victim or community and why those actions breach that community’s standards.<sup>50</sup> Then the offender has the opportunity to express remorse, and when he does so, he is welcomed back into the community.<sup>51</sup>

One of the most successful restorative justice models currently in use in schools is the student circle, or peacemaking circle, which brings people together to talk about disputes and to resolve conflicts.<sup>52</sup> Together with the willing participants, a trained facilitator, typically called the “circle keeper,” encourages the group members to share information about their personal feelings and viewpoints relating to the incident.<sup>53</sup> The facilitator may choose how and when other members talk, occasionally utilizing a “talking piece” to allow the person holding a special object to self-express without being interrupted. While another participant is talking, other members in the circle remain quiet while listening to the speaker’s comments.<sup>54</sup> Often, these value-based circles help to resolve conflict and strengthen the relationships between the participants.<sup>55</sup>

The second restorative justice technique is the peer jury model. This model allows for trained students to give guidance and support to those students referred to the jury for disciplinary action. The peer juries attempt to determine the root of the student’s problem behavior while outlining future actions the student should take to repair any harm he or she may

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<sup>49</sup> Suvall, *supra* note 45, at 559; JOHN BRAITHWAITE, CRIME, SHAME, AND REINTEGRATION 4. 85-98 (1989).

<sup>50</sup> Suvall, *supra* note 45, at 559.

<sup>51</sup> *Id.*

<sup>52</sup> Jessica Ashley & Kimberly Burke, *Implementing Restorative Justice: A Guide for Schools*, ILL. CRIMINOLOGY JUSTICE INFO. AUTHORITY 14 (2010), available at <http://www.icjia.state.il.us/public/pdf/BARJ/SCHOOL%20BARJ%20GUIDEBOOOK.pdf>

<sup>53</sup> *Id.*

<sup>54</sup> *Id.*

<sup>55</sup> *Id.*; *Circles*, Restorative Justice Online, <http://www.restorativejustice.org/university-classroom/01introduction/tutorial-introduction-to-restorative-justice/processes/circles> (last visited May 10, 2013).



have caused. Those who have been referred to peer juries may become peer jurors at a later time, allowing those one-time offenders to take leadership roles in the school community.

The third restorative justice method is mediation conferencing. Schools that implement this type of program typically resolve disputes between two or more students by bringing together the affected parties for a face-to-face, open discussion.<sup>56</sup> In this case, trained mediators and facilitators attempt to develop a guided approach to enable discussions, decompression, explanation, and ultimately, an apology.<sup>57</sup> Mediation thereby brings together the stakeholders of the school offense to avoid what would otherwise be costly punitive punishment, instead resolving misunderstandings and preventing future harm.<sup>58</sup>

These styles of restorative justice programs have already proven to be effective in programs across the nation. In Peoria Public Schools located in Peoria Illinois, for example, school administrators implemented student peacetime circles in the classroom in 2005, and within two years, detention referrals dropped thirty-five percent.<sup>59</sup> Teachers reported that the circles helped to “set standards of classroom behavior and resolve classroom disputes.”<sup>60</sup> Similarly, at Lansing School District in Lansing, Michigan, after the district piloted a restorative justice program for one elementary school in 2005, it expanded the program to its nineteen other schools within four years.<sup>61</sup> As a result, students were able to avoid what would have amounted to 1600 suspensions and 11 expulsions across the school system.<sup>62</sup>

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<sup>56</sup> Ashley & Burke, *supra* note 57, at 15

<sup>57</sup> *Restorative Mediation*, RESTORATIVE JUSTICE COLORADO, <http://www.restorativejusticecolorado.org/restorative-justice-mediation.html> (last visited April 30, 2013).

<sup>58</sup> *Id.*

<sup>59</sup> Gonzalez, *supra* note 16, at 308-09; Ashley & Burke, *supra* note 57, at 15. Interestingly, the percentage of referrals dropped by 43 percent for African American students.

<sup>60</sup> Gonzalez, *supra* note 16, at 309.

<sup>61</sup> *Id.* at 313.

<sup>62</sup> *Id.*

Similar results continue to be replicated in states across the country and teachers and students nationwide feel their impact. For instance, in West Oakland, California, three University of California-Berkeley researchers implemented a restorative justice process at Cole Middle School to study its effect on school climate.<sup>63</sup> Their 2010 report determined that after implementation of an extensive restorative justice program, starting first with student circles and then expanding to include non-disciplinary community action, teachers and students reported that the program had made the school “more peaceful, with fewer fights among students and better behavior in the classroom.”<sup>64</sup> Signifying the intended result of the program perfectly, one student at Cole Middle School explained how the process had affected him personally: “normally when I get into a conflict, my instinct is to fight. But restorative justice kind [of] taught me to calm down a bit, [it] taught me to talk it out.”<sup>65</sup>

This student’s account demonstrates one of the many benefits of the restorative justice program. The method provides for the ability to broaden students’ ability to reflect on the harms they have or will create.<sup>66</sup> Rather than using a punitive system to label misconduct against school rules, restorative justice allows students to view their behavior as violating community principles and interpersonal relationships.<sup>67</sup> Offenders are forced to take into account the victims’ involvement in the offensive context, helping them to more broadly understand how their actions affected someone else.

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<sup>63</sup> MICHAEL D. SUMNER, ET AL., SCHOOL-BASED RESTORATIVE JUSTICE AS AN ALTERNATIVE TO ZERO-TOLERANCE POLICIES: LESSONS FROM WEST OAKLAND 3, 12 (2010).

<sup>64</sup> *Id.*

<sup>65</sup> “Restorative Justice” School Program Reduces Student Delinquency, NEWSWISE (Dec. 16, 2010), <http://www.newswise.com/articles/restorative-justice-school-program-reduces-student-delinquency>.

<sup>66</sup> Suvall, *supra* note 45, at 559.

<sup>67</sup> *Id.*

Furthermore, the disciplinary scheme offers even more benefits by allowing school administrators and teachers to evaluate and appreciate the context in which violations occur.<sup>68</sup> While zero tolerance policies rarely focus on why the offensive behavior happened, restorative justice requires that contextual and interpersonal relationships be recognized as contributing factors to certain conduct.<sup>69</sup> In this way, administrators and teachers can facilitate ways to prevent the individualized circumstantial conditions from reoccurring, a crucial factor in improving overall school safety.

Finally, restorative justice promotes a united school community that is able to heal itself through interpersonal dialogue.<sup>70</sup> Student circles, mediation conferences, and peer juries require students to address misbehavior through dialogue with peers and the learning community.<sup>71</sup> Whereas suspension and expulsion alienates offenders from the community in which they need to be, restorative justice requires rehabilitation through relationships, the opportunity to explain oneself, and, ultimately, community acceptance. Each of these intangible benefits leads not only to a decrease in suspensions and expulsions, but also to healthier, more stable, and safer schools for students.

There are, however challenges to implementing restorative justice schemes' nationwide. Some administrators, politicians, and parents hold the belief that restorative justice is too "soft" on offenders.<sup>72</sup> This response is natural in an American community based on punitive punishment. However, because offenders must come face-to-face with their victims in an intimate setting, restorative justice programs are believed to offer tougher disciplinary

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<sup>68</sup> *Id.* at 560.

<sup>69</sup> *Id.*; PEDRO NOGUERA, FINDING SAFETY WHERE WE LEAST EXPECT IT: THE ROLE OF SOCIAL CAPITAL IN PREVENTING SCHOOL VIOLENCE, IN ZERO TOLERANCE: RESISTING THE DRIVE FOR PUNISHMENT (William Ayers, Bernardine Dohrn & Rick Ayers, eds., 2001).

<sup>70</sup> Suvall, *supra* note 45, a 561.

<sup>71</sup> *Id.*

<sup>72</sup> *Id.*

punishment for offenders than do traditional punitive programs.<sup>73</sup> Moreover, if school administrators provide informational seminars to educate skeptical parents about restorative justice and how the method improves school safety, these people may, with time, accept the shift toward restoration.

Coupled with the social constraints of restorative justice is the financial burden inherent in implementing the program.<sup>74</sup> These programs are an expensive undertaking for any school system because outside companies typically must be paid to teach the methods.<sup>75</sup> But numerous studies show that overtime, states and local governments benefit by keeping children in school and off the streets.<sup>76</sup> Students who dropout from school are a strain on state economies because they earn significantly lower salaries than the average high school graduate, contribute little to no taxes to government agencies, and generally rely on the government for welfare and social programs.<sup>77</sup> At the same time, student dropouts are more likely to be sentenced to prison for criminal convictions, which significantly increases their burden on local and state municipalities as well.<sup>78</sup> Accordingly, if restorative justice can prevent students from dropping out and becoming a burden on society, the cost of implementing the disciplinary program can be offset. Thus while at the start, the financial burden of implementing the restorative justice system into schools may feel extreme, these expenditures will be outweighed by increased student production in school, fewer student dropouts, and ultimately a better income revenue for state

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<sup>73</sup> Lisa Abregu, *Restorative Justice in Schools: Restoring Relationships and Building Community*, 18 DISP. RESOL. MAG. 10 (2012).

<sup>74</sup> Jeremy Adam Smith, *Can Restorative Justice Keep Schools Safe?*, GREATERGOOD: THE SCIENCE OF A MEANINGFUL LIFE (March 6, 2012), [http://greatergood.berkeley.edu/article/item/can\\_restorative\\_justice\\_keep\\_schools\\_safe](http://greatergood.berkeley.edu/article/item/can_restorative_justice_keep_schools_safe).

<sup>75</sup> *Id.*

<sup>76</sup> THE HIGH COST OF HIGH SCHOOL DROPOUTS: WHAT THE NATION PAYS FOR INADEQUATE HIGH SCHOOLS, ALLIANCE FOR EXCELLENT EDUCATION 3 (2011).

<sup>77</sup> *Id.*

<sup>78</sup> In some states, the cost of incarcerating an inmate for one year costs \$60,000. Vikrant P. Reddy & Marc A. Levin, *The Conservative Case Against More Prisons*, THE AMERICAN CONSERVATIVE (March 6, 2013), <http://www.theamericanconservative.com/articles/the-conservative-case-against-more-prisons/>.

and local governments. Restorative justice methods thus have the ability to not only improve school safety, but also to lessen the financial burden on state and local governments in the future.

In sum, the restorative justice method can help fix school disciplinary schemes. Failed zero tolerance policies only gained popularity due to federal congressional action determined to make public schools a safer place. Unfortunately, these policies have had a negative effect, leading to an increase in suspensions, expulsions, dropout rates, and juvenile crime over the last twenty years. Rather than continuing to apply this policy as a primary disciplinary model nationwide, schools should consider transitioning toward restorative justice policies. These methods improve school climate and reduce student suspensions and expulsions while also helping to rehabilitate both offenders and their victims. The benefits of restorative justice are known, and the challenges to implementing the system can be overcome. Schools that begin to shift their disciplinary schemes toward restorative justice can, with time, improve overall school safety and put an end to ineffective zero tolerance discipline.