



SCHOOL TO PRISON PIPELINE: YOU DECIDE

BAUDL JV AFF PACK: **SCHOOL TO PRISON** **PIPELINE**

Most school districts punish students with exclusionary discipline for the worst of their behaviors. Exclusionary Discipline is any punishment that removes, or excludes, a student from school – so suspensions and expulsions. This approach doesn’t work and is clearly racialized. It’s time for a new approach – brought to you by Oakland and San Francisco – restorative justice, or make it right.

Who is right and who is wrong? The answer is up to you.

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Dear JV Debater,
Welcome to a new season of debate! You will notice two things about this pack that make it different from novice. 1. This pack is longer. There are more strategies available for the neg and more aff cards in this pack. 2. Most cards aren't underlined. As experienced debaters, you can underline them yourself. It's a strategic choice that you are ready to make.

Good luck & Have Fun!
Love, BAUDL

JV PACK GUIDELINE: DEBATERS MAY PRODUCE THEIR OWN EVIDENCE BASED ON ARGUMENTS FOUND IN THE PACK.



WELCOME AND HOT TIPS

Welcome to JV Debate.

Congratulations on moving up divisions! JV is exciting because there will be more affirmative case areas and more negative strategy options. We hope you enjoy making strategic choices and using the power of your voice to be a critical thinker about the problems of the world. Below are a couple of tips for maximizing the power of the affirmative!

- Make your 1st Affirmative Constructive your own! Change the cards around and think about the advantages. Only put the stuff you want in the debate in the 1AC.
- Write blocks. Blocks are 5-8 answers to an off-case negative argument. These answers should include some evidence (1-3 pieces), but they should also be your analytical attacks on the negative arguments, as well as using your affirmative case. Writing block assures you have your best answers in the debate and will save you tons of prep time!
- Communicate with your partner. The affirmative requires every speech have a similar set of answers. The 1ar and the 2ar need to be on the same strategic page the entire debate. Make sure to discuss with each other what the winning arguments are against each negative argument.

Speech	Time	General purpose
First Affirmative Constructive (1AC)	8 minutes	Present affirmative case (harms, inherency, plan, solvency)
Cross-examination by Second Negative	3	Ask questions, clarify affirmative's arguments
First Negative Constructive (1NC)	8	Present negative off-case and attack affirmative case
Cross-examination by First Affirmative	3	Ask questions, clarify negative's arguments
Second Affirmative Constructive (2AC)	8	Attack negative off-case arguments, rebuild affirmative case
Cross-examination by First Negative	3	Ask questions, clarify affirmative's arguments
Second Negative Constructive (2NC)**	8	Respond to some of 2AC arguments, rebuild negative arguments
Cross-examination by Second Affirmative	3	Ask questions, clarify negative's arguments
First Negative Rebuttal (1NR)**	5	Respond to rest of 2AC arguments, rebuild negative arguments
First Affirmative Rebuttal (1AR)	5	Rebuild affirmative arguments, respond to both 2NC and 1NR
Second Negative Rebuttal (2NR)	5	Explain why the negative team should win
Second Affirmative Rebuttal (2AR)	5	Explain why the affirmative team should win



Pipeline Aff
JV Pack 2017-2018

EVIDENCE
FOR THE
AFFIRMATIVE:
CORE AFF



1AC CASE

Contention 1: Punitive Discipline in Schools

1. School discipline policies have grown increasingly harsh for the last two decades. The occasional push back is an exception, not the rule.

Derek W. Black, Professor of Law at the University of South Carolina, Sept 30, 2016, Alternet, "Here's Why a Zero-Tolerance Policy in Our Schools Is a Terrible Idea", <http://www.alternet.org/books/heres-why-zero-tolerance-policy-our-schools-terrible-idea>

Over the past two decades, school discipline has grown increasingly harsh and impersonal. Many schools and states are willing to exclude— temporarily and permanently—students for almost any type of behavior. Even when students' behavior poses no real danger to school and involves the type of immature mischief parents expect of normally developing kids, schools dig in their heels and insist that they must banish students. Local communities and policy advocates have pushed back and managed some important successes in recent years, but the seriousness and scope of the problem demands a systematic long-term check. Relying on basic constitutional rights and fairness concepts, courts must reengage on issues of discipline and enforce students' rights. Courts cannot simply abandon students to school boards and the political process. Too often, both schools and politicians have shown themselves to be irrational and willing to sacrifice students in the expedient pursuit of other goals.

2. Harsh disciplinary systems are a primary mechanism of the school to prison pipeline

Ama Mazama & Garvey Lundy, professors at Temple University, October 2012, Journal of Black Studies, "American Homeschooling as Racial Protectionism", Vol. 43, No. 7, p.729

In reality, harsh school punishments are one of the primary mechanisms through which the "school-to-prison pipeline" operates (NYCLU, 2010). Minor infractions are used as pretexts to channel large numbers of young people out of school and into the criminal justice system to feed the prison industrial complex that has blossomed over recent years. Furthermore, as noted in a recent report by the University of California-Los Angeles's Institute for Democracy, Education, and Access (IDEA), a high incidence of suspensions and expulsions leads to greater dropout rates (Sum et al., 2009), which in turn open the door to a myriad of problems, such as chronic unemployment, teenage pregnancy, poverty, inability to form and support a family, and eventually, incarceration (Sum et al., 2009). In other words, many Black youth seem to be set up by a racist system for a vicious cycle of poverty, illiteracy, delinquency, and personal frustration.

◆.....◆
Your Words.

Glossary:



1AC CASE

Contention 2: Institutional Racism

1. Punitive discipline policies disproportionately impact young people of color.

Robin DiAngelo, 2012, Counterpoints, "WHAT DOES IT MEAN to BE WHITE? Developing White Racial Literacy", Vol. 398, p. 97

Although the previous statistics are from the criminal justice system, they illustrate the interlocking institutional forces that constitute oppression. Let's take what is termed The School to Prison Pipeline (STPP) as an example of these forces working in tandem. The STPP refers to the pattern of criminalizing rather than educating children, and poor children of color in particular. This pattern works as a kind of "pipeline" that channels these children into the prison system. Up until relatively recently, society drew a distinction between childhood and adulthood and made allowances for youth whose development was still in process. In recent years, this line has become blurred as children are treated and punished as adults in the system. Zero-tolerance policies in schools are a prime example of this increasingly inflexible and punitive rather than restorative response. These policies, which began in the 1990s, resulted in almost doubling the number of students suspended annually, from 17 million in 1974 to 31 million in 2001. Black students are three and a half times more likely to be suspended as white students for the same infractions. Over 70 percent of students arrested in school or handed over to law enforcement are black or Latino. While there is no evidence that black students are more prone to violence, there is much evidence that the overrepresentation of black students is related to bias in referral on the part of school officials (C. Smith, 2009; Fenning & Rose, 2007; Nicholson-Crotty, Birchmeier, & Valentine, 2009; Solomon & Palmer, 2006). Three major institutions are directly involved in creating the STPP: Criminal Justice, Education, and Social Services. School administrators rely on law enforcement to "police" schools with higher populations of students of color. The curriculum in these schools focuses on obedience and conformity rather than critical thinking and creativity. Social service agencies take a punitive rather than healing approach. Working together, these institutions force youth of color to face ever more layers of structural disadvantage.



1AC CASE

2. Our education and criminal justice system work together to push out black and brown youth from schools into prison.

Chauncey D. **Smith**, J.D. Candidate, Nov 2009, Fordham Urban Law Journal, "DECONSTRUCTING THE PIPELINE: EVALUATING SCHOOL-TO-PRISON PIPELINE EQUAL PROTECTION CASES THROUGH A STRUCTURAL RACISM FRAMEWORK", p. 1010-1013

The U.S. criminal justice and education systems wreak havoc upon today's minority population. Among adults, minorities disproportionately bear the brunt of "tough-on-crime" policies, such as mandatory sentencing, three strikes laws, and the death penalty. For instance, thirty-two percent of black males and seventeen percent of Latino males are incarcerated during their lifetime, compared to just six percent of white males. Further, despite only being thirteen percent of the national citizenry, blacks constitute forty-two percent of prisoners on death row. Similarly, contemporary schools disproportionately punish minority students. While blacks and Latinos each account for seventeen percent of U.S. K-12 enrollment, they respectively comprise thirty percent and twenty percent of all twelfth-grade suspensions and expulsions. Before twelfth grade, "black students, compared to whites, are two to five times as likely to be suspended at a younger age." In some states, more than thirty percent of the black student population is suspended each year. This focus on punishing adult and youth minorities has blurred the pedagogical distinctions between America's education and criminal justice systems. Indeed, as students of color disparately transfer from schools to prisons, one can rightly say that America's education and criminal justice systems now bear a symbiotic relationship.

This school-prison harmoniousness is illustrated by the life trajectory of students of color who are suspended or expelled. After being pushed out of school, students of color face daunting odds of being criminalized at virtually every juncture of the criminal justice system. In New York City, for example, eighty-five percent of all stop-and-frisk encounters are administered on blacks and Latinos. National figures show that after being stopped, black youth account for thirty percent of all juvenile arrests, despite only being seventeen percent of the juvenile population. After arrest, black youth make up sixty-two percent of all juveniles prosecuted as adult defendants. Once prosecuted, black youth are nine times more likely than white youth to receive an adult prison sentence. Cumulatively, "black juveniles are about four times as likely as their white peers to be incarcerated."

Many students, educators, lawyers, and civil rights advocates refer to the aforementioned progression as the "school-to-prison pipeline" (the "pipeline"). The phrase "school-to-prison pipeline" conceptually categorizes an ambiguous, yet seemingly systematic, process through which a wide range of education and criminal justice policies and practices collectively result in students of color being disparately pushed out of school and into prison. Zero-tolerance policies illustrate how the intersection of education and criminal justice policies leads to disparate minority student pushout and potential incarceration. The Gun Free Schools Act of 1994 ("GFSA"), for example, was originally adopted for the purpose of promoting "school safety by declaring zero tolerance for weapons in public schools." Yet since the GFSA's implementation, schools have expanded the use of zero-tolerance policies to areas neither contemplated nor addressed by the initial enactment. Traditional adolescent behavior, such as talking out of turn or doodling on a desk, may now be treated as a punishable offense--like disorderly conduct or vandalism--that provides grounds for both school and criminal sanction. For instance, at a New York City public school, zero tolerance for age-appropriate behavior led to a five year old Latino kindergartener being handcuffed and removed from school for having a temper tantrum in class, despite the fact that he suffered from attention deficit disorder.



1AC CASE

3. The discipline gap is state-sanctioned violence against children of color

Emily Deruy, Dec 20, 2016, The Atlantic, "School Discipline in a Post-Obama World",
<https://www.theatlantic.com/education/archive/2016/12/white-house-looks-to-cement-its-school-discipline-legacy/511190/>

The Obama administration outlined in a recent report that, in part because of concerted efforts to improve discipline practices, the use of out-of-school suspensions declined by nearly 20 percent between the 2011-12 and 2013-14 school years, and advocates of the reforms have hailed them as effective. Yet the report also pointed out that the 2.8 million students who did receive an out-of-school suspension during the 2013-14 school year were disproportionately students of color or kids with disabilities.

And the disparities begin early: Black preschoolers are 3.6 times more likely than their white peers to be sent home from school, a rate that rises slightly by elementary school. In the 2013-14 school year, around 70,000 students faced a school-related arrest. While black students make up about 16 percent of all students, they were 34 percent of students subject to such arrests. In some cases students are subject to arrest simply for being boisterous or "annoying."

The administration has taken pains to point out what it says are the ripple effects of those suspensions, most of which, according to a 2011 report by Child Trends, were for nonviolent offenses. Kids who are suspended, of course, aren't in class learning, and are less likely than those who aren't removed from class to graduate on time and be successful. And as Philip Leaf, a professor at Johns Hopkins University in Baltimore who has studied school discipline, told me, the out-of-school environments many of these children end up in are not conducive to learning. Suspensions and expulsions in the early years, the Education Department said a couple of years ago in a joint statement with the Department of Health and Human Services, can even negatively affect health, and can increase the likelihood that a kid becomes involved with the criminal-justice system. Adults who've spent time in prison are more likely than their peers who haven't to struggle to find work.

In other words, the administration has framed school discipline as more than just an education issue. Discipline reform, Obama administration officials have argued, is about ensuring children are treated fairly and given a chance to succeed. When those chances aren't fairly distributed—and are compounded by entrenched issues like poverty, school segregation, and implicit racial bias—black and Latino communities suffer disproportionately. In the last eight years, the administration has issued a number of recommendations aimed at reducing those disparities, including focusing on reducing implicit bias in teachers and ending the use of corporal punishment, which is still allowed in 19 states. "It is state-sanctioned violence against children," King told me. "The corporal punishment practices, if those same things were done to an adult, in many states they would be criminal assault ... [Corporal punishment] is an archaic practice that should be eliminated."

◆.....◆
Your Words.



1AC CASE

4. Racism must be rejected in every instance without surcease. It justifies atrocities and the choice to reject it is the moral choice to establish humanity.

Albert Memmi, 2000, RACISM, translated by Steve Martinot, pp.163-165

The struggle against racism will be long, difficult, without intermission, without remission, probably never achieved, yet for this very reason, it is a struggle to be undertaken without surcease and without concessions. One cannot be indulgent toward racism. One cannot even let the monster in the house, especially not in a mask. To give it merely a foothold means to augment the bestial part in us and in other people which is to diminish what is human. To accept the racist universe to the slightest degree is to endorse fear, injustice, and violence. It is to accept the persistence of the dark history in which we still largely live. It is to agree that the outsider will always be a possible victim (and which [person] man is not [themselves] himself an outsider relative to someone else?). Racism illustrates in sum, the inevitable negativity of the condition of the dominated; that is it illuminates in a certain sense the entire human condition. The anti-racist struggle, difficult though it is, and always in question, is nevertheless one of the prologues to the ultimate passage from animality to humanity. In that sense, we cannot fail to rise to the racist challenge. However, it remains true that one's moral conduct only emerges from a choice: one has to want it. It is a choice among other choices, and always debatable in its foundations and its consequences. Let us say, broadly speaking, that the choice to conduct oneself morally is the condition for the establishment of a human order for which racism is the very negation. This is almost a redundancy. One cannot found a moral order, let alone a legislative order, on racism because racism signifies the exclusion of the other and his or her subjection to violence and domination. From an ethical point of view, if one can deploy a little religious language, racism is "the truly capital sin." It is not an accident that almost all of humanity's spiritual traditions counsel respect for the weak, for orphans, widows, or strangers. It is not just a question of theoretical counsel respect for the weak, for orphans, widows or strangers. It is not just a question of theoretical morality and disinterested commandments. Such unanimity in the safeguarding of the other suggests the real utility of such sentiments. All things considered, we have an interest in banishing injustice, because injustice engenders violence and death. Of course, this is debatable. There are those who think that if one is strong enough, the assault on and oppression of others is permissible. But no one is ever sure of remaining the strongest. One day, perhaps, the roles will be reversed. All unjust society contains within itself the seeds of its own death. It is probably smarter to treat others with respect so that they treat you with respect. "Recall," says the bible, "that you were once a stranger in Egypt," which means both that you ought to respect the stranger because you were a stranger yourself and that you risk becoming once again someday. It is an ethical and a practical appeal – indeed, it is a contract, however implicit it might be. In short, the refusal of racism is the condition for all theoretical and practical morality. Because, in the end, the ethical choice commands the political choice. A just society must be a society accepted by all. If this contractual principle is not accepted, then only conflict, violence, and destruction will be our lot. If it is accepted, we can hope someday to live in peace. True, it is a wager, but the stakes are irresistible.

◆.....◆
Your Words.

Glossary:



1AC CASE

Contention Three: Enemies Within

1. America's youth have become the enemy – a generation of “Killer Children” who must be contained and punished for the domestic war zone they force us to live in.

Henry A. Giroux, 2010, jac, “Locked Up: The Youth Crime Complex and Education in America”, Vol. 30, No. ½, p. 14-15

As Jean and John Comaroff have concluded, "the way young people are perceived, named, and represented betrays a lot about the social and political constitution of a society" (267). Zygmunt Bauman has argued that "Every [society] produces its own visions of the dangers that threaten its identity, visions made to the measure of the kind of social order it struggles to achieve or to retain... [T]hreats are projections of a society's own inner ambivalence, and anxieties born of that ambivalence, about its own ways and means, about the fashion in which that society lives and intends to live" {Consuming 128). What might it mean that youth are now perceived as a threat to the crumbling social order rather than a social investment or a population in need of protection and support? One effect of this perceived danger is the empowerment of a neoliberal state seeking to bolster its weakened sovereignty by recasting youth as a threat to society and gain its legitimacy by dealing with that threat or being seen to deal with it accordingly (typically through media spectacles). As Lawrence Grossberg puts it, Over the past twenty-five years, there has been a significant transformation in the ways we talk and think about kids and, consequently, in the ways we treat them. We live, for at least part of the time, in a rhetorically constructed picture of kids out of control, an enemy hiding within our most intimate spaces. The responses - zero tolerance, criminalization and imprisonment, psychotropic drugs and psychiatric confinement - suggest not only that we have abandoned the current generation of kids but that we think of them as a threat that has to be contained, punished, and only in some instances, recruited to our side.... [E]very second, a public high school student is suspended; every ten seconds, a public school student is corporally punished; every twenty seconds, a kid is arrested. Criminalization and medicalization are cheap (financially and emotionally) and expedient ways to deal with our fears and frustrations.

When youth occupy the larger screen culture, they are represented mostly through images that are degrading and demonizing. It is difficult to find in the dominant media any sympathetic representations of young people who experience difficult times as a result of the economic downturn, the simultaneous erosion of security (around health care, work, education), and the militarization of everyday life. Youth are no longer categorized as Generation X, Y, and Z. On the contrary, they are now defined rhetorically in mainstream corporate media as "Generation Kill" or "Killer Children." In the aftermath of the shooting rampages at Columbine High School and Virginia Tech, kids are largely defined through the world of frenzied media spectacles driven by sensationalist narratives and youth panics. Rather than portrayed as victims of a "crisis of masculinity and male rage, an out-of-control gun culture, and a media that projects normative images of violent masculinity and makes celebrities out of murderers" (Kellner 14), youth are represented as psychologically unhinged, potentially indiscriminate killers (especially young returning veterans), gang rapists (falsely accused Duke University lacrosse players), school shooters, and desensitized domestic terrorists. Newspapers and other popular media offer an endless stream of alarming images and dehumanizing stories from the domestic war zone, allegedly created by rampaging young people. One typical newspaper account described how a group of third-graders in Georgia brought a knife, duct tape, and handcuffs to school as part of a plan to attack their teacher (Bynum). CNN's Anderson Cooper hosted a special report on school shootings on April 27, 2007 with the title "Killers in Our Midst," which not only capitalized on shocking and sensational imagery that swelled the network's bottom line but also added fuel to a youth panic that insidiously portrays young people as pint-sized nihilists and an ever-present threat to public order.



1AC CASE

2. Economic and racial intersections feed young people into a dehumanizing and criminalizing punishing state.

Henry A. Giroux, 2010, jac, "Locked Up: The Youth Crime Complex and Education in America", Vol. 30, No. ½, p. 13-14.

An international war on terror launched by the Bush administration produced not only wars in Iraq and Afghanistan and the controversial detainment of "enemy combatants" in Guantanamo Bay, Cuba, but also generated a war at home that militarized public life and refashioned the criminal justice system, prisons, and even schools as preeminent spaces of racialized violence. What has largely been ignored in the discussion of the militarization of American society is that the rise of the carceral state has coincided with a war against youth, particularly young people of color in the United States (see Giroux, Fugitive and Abandoned). Youth have been defined and understood within an expansive, anti-democratic frame work that responds to the problems they face by criminalizing their behaviors and subjecting them to punitive modes of conduct. Youth in America have increasingly exhibited a series of disappearances, barely represented in humane terms in the public domain and largely invisible in terms of their own needs. While the predicament of all youth under the regime of a neoliberalism deepens in the midst of the current economic crisis, it does not affect all young people in the same way. More and more working- and middle-class youth and poor youth of color either find themselves in a world with vastly diminishing opportunities or fed into an ever-expanding system of disciplinary control that dehumanizes and criminalizes their behavior in multiple sites, extending from home and school to the criminal justice system. Progressively represented as troubling and a potential danger to society, they are scorned precisely because they offer a grim reminder of adult responsibility. As the social state is reconfigured as a punishing state, youth become the enemy in hiding, dangerous bearers of unwanted memories. Dystopian fears about youth in the United States have intensified since the events of 9/11, as has the public's understanding of youth as an unruly and unpredictable threat to law an order. This tragedy is made obvious by the many "get tough" policies that render young people as criminals and deprive them of basic health care and education. While historically it was commonplace for youth to be treated equivocally by adults as both a threat and a promise, in the last decade, this ambiguous mixture of fear and hope has given way to a much more one-sided and insidious view of young people as lazy, mindless, irresponsible, and even dangerous. Gone are the ideals, if not the Utopian struggles, that promised young people a future that would exceed the limits and possibilities of the present. As the language of politics is divested of concern for the future, adult obligations, and social responsibility in general, complex and productive representations of young people have gradually disappeared from public discourse only to reappear within the demonizing and punishing rhetoric of fear and crime. Youth can now be unapologetically referred to by a prominent politician - former conservative Governor of Colorado, Bill Owens - as "a virus... let loose upon the culture" (qtd. in Grossberg 4).

◆.....◆
Your Words. ·



1AC CASE

3. The punishing state sees no hope or future for our youth.

Henry A. Giroux, 2010, jac, "Locked Up: The Youth Crime Complex and Education in America", Vol. 30, No. ½, p. 22-23.

As the punishing state gains in power and the prison-industrial complex is nurtured and supported by broader economic, political, and social conditions, its deeply structured racist principles, politics of disposability, and modes of authoritarian governance become part of the fabric of common sense, an unquestioned element of effective governance. Damning evidence of the widespread effects of the punishing state can be seen among the children and youth who increasingly inhabit juvenile courts, adult courts, and correctional facilities in the United States and who have emerged from a public school system that has been severely undermined as a democratic public sphere. Public schools, now subject to harsh market forces, cut backs in already meager state budgets, the disdain of neoconservative policies, and the massive disempowerment of teachers by an audit and testing culture, have defaulted on their responsibility to young people. What is at stake in governance under the punishing state is made clear by Bernadine Dohrn: Criminalizing youth behaviors, policing schools, punishing children by depriving them of an education, constricting social protections for abused and neglected youth, and subjecting youth to law enforcement as a "social service" - these trends smack of social injustice, racial inequity, dehumanization, and fear-filled demonization of youngsters, who are our prospective hope. At stake here is the civic will to invest in our common future by seeing other people's children as our own.

All of these trends suggest that young people in the United States are increasingly being constructed in relation to a future devoid of any hope. The notions that children should be treated as a crucial social resource and represent for any healthy society important ethical and political considerations about the quality of public life, the allocation of social provisions, and the role of the state as a guardian of public interests increasingly appear to be forgotten. The visual geographies and ever expanding landscapes of violence young people inhabit suggest neither action nor ethical discrimination on the part of adult society, which might serve to prevent youth from being relegated to one of the lowest national priorities in the richest country in the world.

4. Putting juveniles in prison is unforgivable. The risks of violence and suicide skyrocket.

Henry A. Giroux, 2010, jac, "Locked Up: The Youth Crime Complex and Education in America", Vol. 30, No. ½, p. 27-28

Giving up on the idea of rehabilitation is bad enough when applied to incarcerated adults, but it is unforgivable when applied to children. Not only do young people who find themselves in adult prisons have few opportunities for acquiring meaningful work skills and getting a decent education; they are also at great risk for physical and sexual assault. As the Equal Justice Initiative report points out: Juveniles placed in adult prisons are at heightened risk of physical and sexual assault by older, more mature prisoners. Many adolescents suffer horrific abuse for years when sentenced to die in prison. Young inmates are at particular risk of rape in prison. Children sentenced to adult prisons typically are victimized because they have "no prison experience, friends, companions or social support." Children are five times more likely to be sexually assaulted in adult prisons than in juvenile facilities. And when they are removed from the adult prison population, youth are often placed in isolation, locked-down "23 hours a day in small cells with no natural light" (Equal Justice Initiative). One consequence of placing young people in these environments is that these punitive conditions "exacerbate existing mental disorders, and increase risk of suicide. In fact youth have the highest suicide rates of all inmates in jails. Youth are 19 times more likely to commit suicide in jail than youth in the general population and 36 times more likely to commit suicide in an adult jail than in a juvenile detention facility. Jail staff are simply not equipped to protect youth from the dangers of adult jails" (Equal Justice Initiative).



1AC CASE

5. Juveniles trapped in the criminal justice system basically get death by incarceration

Jonathan **Rothchild**, Spring/Summer 2013, Journal of the Society of Christian Ethics, "Childhood without Life, Life without Childhood: Theological and Legal Critiques of Current Juvenile Justice Policies", Vol. 33, No. 1, p. 83

THE UNITED STATES REMAINS THE ONLY COUNTRY THAT sentences child offenders to life imprisonment without the possibility of parole. Emblematic of general increases in life sentences without parole, juvenile life sentences without parole (JLWOP) are considered penultimate punishments behind the death penalty. However, as Robert Johnson and Sonia Tabriz note, "In a perverse way, a sentence of death by incarceration is the culmination of harsh, prison-centered juvenile and adult punishment policies, condemning these abandoned children to a slow and tortuous death in confinement." Juveniles sentenced to life without parole (LWOP) have committed serious crimes and harmed individuals and society, but I hold that these sentences lack legal and moral justifications.

6. If they even get out, felons have scarcely more rights than slaves. They are the class of people Americans are free to hate; they are denied moral concern and treated as less than human.

Michelle **Alexander**, 2010, The New Jim Crow: Mass Incarceration in the Age of Colorblindness, <https://peacelawandjustice.files.wordpress.com/2013/12/newjimcrow-ch-1.pdf>

Today a criminal freed from prison has scarcely more rights, and arguably less respect, than a freed slave or a black person living "free" in Mississippi at the height of Jim Crow. Those released from prison on parole can be stopped and searched by the police for any reason—or no reason at all—and returned to prison for the most minor of infractions, such as failing to attend a meeting with a parole officer. Even when released from the system's formal control, the stigma of criminality lingers. Police supervision, monitoring, and harassment are facts of life not only for all those labeled criminals, but for all those who "look like" criminals. Lynch mobs may be long gone, but the threat of police violence is ever present. A wrong move or sudden gesture could mean massive retaliation by the police. A wallet could be mistaken for a gun. The "whites only" signs may gone, but new signs have gone up—notices placed in job applications, rental agreements, loan applications, forms for welfare benefits, school applications, and petitions for licenses, informing the general public that "felons" are not wanted here. A criminal record today authorizes precisely the forms of discrimination we supposedly left behind—discrimination in employment, housing, education, public benefits, and jury service. Those labeled criminals can even be denied the right to vote.

Criminals, it turns out, are the one social group in America we have permission to hate. In "colorblind" America, criminals are the new whipping boys. They are entitled to no respect and little moral concern. Like the "coloreds" in the years following emancipation, criminals today are deemed a characterless and purposeless people, deserving of our collective scorn and contempt. When we say someone was "treated like a criminal," what we mean to say is that he or she was treated as less than human, like a shameful creature. Hundreds of years ago, our nation put those considered less than human in shackles; less than one hundred years ago, we relegated them to the other side of town; today we put them in cages. Once released, they find that a heavy and cruel hand has been laid upon them.

◆.....◆
Your Words.

Glossary:



1AC – PLAN TEXT (MANDATORY AND UNALTERABLE)

Because the problem won't fix itself, we need a plan of action. The affirmative proposes:

The United States federal government should fully fund grants for school districts, and their schools, to implement Restorative Justice programs aligned with making every reasonable effort to correct student behavior through restorative practices.

◆.....◆
Your Words.



1AC CASE

Contention 4: Restorative Justice is Comparatively Superior to Punitive Discipline

1. Competitive grant funding influences state education policy

Grace **Tatter**, Jan 19, 2017, Chalkbeat, “Will Betsy DeVos change education as you know it? Probably not — but your state lawmakers could”, <https://www.chalkbeat.org/posts/us/2017/01/19/will-betsy-devos-change-education-as-you-know-it-probably-not-but-your-state-lawmakers-could/>

Competitive grant programs, like the Obama administration’s Race to the Top or the charter school grants, can influence state policy, too. That’s what happened in Tennessee, which rushed to revamp its teacher evaluation system and implement a state-run school turnaround district in 2010 in order to win the money.

2. The federal spot light on discipline results in change in the school districts

Emily **Deruy**, Dec 20, 2016, The Atlantic, “School Discipline in a Post-Obama World”, <https://www.theatlantic.com/education/archive/2016/12/white-house-looks-to-cement-its-school-discipline-legacy/511190/>

It’s unclear how much of the school-discipline reform that’s taken place during the last eight years is a direct consequence of the administration’s actions, and how fragile the reforms are in a post-Obama world. “It’s hard to know” the Obama administration’s impact on discipline reform, Matthew Steinberg, a professor at the University of Pennsylvania who has studied school discipline, said. But “it’s put a spotlight on the issue at the federal level.”

Rhonda Skillern-Jones, a school-board member in Houston, which recently shifted funding away from alternative schools and toward emotional-support services in traditional schools, said during an interview at the White House after attending the roundtable with King that an invitation to last year’s discipline conference “was pivotal for us.” Before that, discipline reform hadn’t been a central focus for the district.

Steve Zimmer, the president of the Los Angeles Unified School District board of education, also attended the White House meeting. While his district began rethinking its approach to discipline a year or so before Obama took office, he said recognition from the White House helped strengthen the district’s resolve to scale back suspensions and expulsions.

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Your Words. .



1AC CASE

3. Restorative Justice is a substitute for zero-tolerance and punitive discipline policies

Dr. Michael D. **Sumner**, Dr. Carol J. **Silverman**, & Mary Louise **Frampton**, 2010, Thelton E. Henderson Center for Social Justice, "School-based restorative justice as an alternative to zero-tolerance policies: Lessons from West Oakland", p. 8

Because of its emphasis on respect, accountability, repair of harm, and restoration of the community rather than on punishment and exclusion, some schools have begun to substitute school-based restorative justice in place of zero-tolerance policies. Where zero-tolerance policies treat disruptive conduct as a reason to suspend or expel a student, restorative justice treats conflict and disruptive behavior as an opportunity for accountability and for correction of the root causes of inappropriate, delinquent, or criminal behavior. Where zero-tolerance policies overlook the victims of harm, restorative justice requires those who harmed to stand accountable to those they directly harm, to their communities, and even to themselves. Where zero-tolerance policies sever relationships, restorative justice works to strengthen relationships. By eliminating contact with the juvenile system for all but the most serious behaviors, by reducing suspensions and expulsions, and by giving students a way to de-escalate and avoid harmful situations, restorative justice programs in schools, and particularly in schools that serve youth of color, have the potential to dismantle the school-to-prison pipeline.

4. Restorative Justice builds a school environment where students want to behave for the betterment of the community

monika **alvis**, May 15, 2015, The College at Brockport, State University of New York, "Teachers' Perceptions About Using Restorative Practice Based Programs in Schools",
http://digitalcommons.brockport.edu/cgi/viewcontent.cgi?article=1006&context=edc_capstone

John Boulton, the principal of Bessels Leigh School for boys in the United Kingdom conveyed that implementing a restorative based program such as Safer Saner School has had a very real and positive impact on the students and staff of his school (Boulton & Mirsky, 2006). In a study by Boulton and Mirsky (2006), preliminary data from the recording of student behavior indicated negative behaviors and incidents decreased by half once restorative practices were in place. Additionally, there was a significant reduction in property damage (Boulton & Mirsky, 2006). The results of these studies reveal that restorative programs can effectively support students towards successful outcomes. Additionally, they demonstrate that restorative practice based interventions can help students find alternatives to violence and prevent students from using negative behaviors as a way to resolve conflicts. Most psychologists contend that school discipline is not about getting students to behave but rather getting them to want to behave (Henderson & Buchanan, 2013). In this same manner, restorative discipline shifts the focus from punishment to reestablishing relationships, supporting positive school behavior, and establishing a positive school climate (Henderson & Buchanan, 2013).

◆.....◆
Your Words.

Glossary:



1AC CASE

5. The dearth of research supports restorative justice for reducing exclusionary discipline and keeping students out of the pipeline

Mara **Schiff**, Ph.D. School of Criminology and Criminal Justice, Jan 2013, "DIGNITY, DISPARITY AND DESISTANCE: EFFECTIVE RESTORATIVE JUSTICE STRATEGIES TO PLUG THE "SCHOOL-TO-PRISON PIPELINE", google

Prior research from Canada, the United States and Australia demonstrates that restorative justice effectively reduces recidivism rates and promotes positive relationships (Arnott, 2007; Morrison & Martinez, 2001; Porter, 2007; Riestenberg, 2003a; White, 1998). Nationally as well as internationally, there is now considerable evidence that restorative approaches can result in reduced suspension and expulsion, decreased disciplinary referrals, improved academic achievement, and other beneficial results (Karp and Breslin, 2001; Lewis, 2009). At this time in the United States, restorative practices in schools are known to exist in California, Colorado, Georgia, Illinois, Maine, Maryland, Michigan, Minnesota, Missouri, New York, Texas, Pennsylvania and Connecticut. Jurisdictions have implemented varying strategies including restorative mediation, conferences or circles, school accountability boards, daily informal restorative meetings, classroom circles, restorative dialogue, restorative youth courts, peer mediation and other practices. In addition, School Accountability Boards (SABs) are becoming an increasingly common restorative response to school disciplinary issues. In a SAB setting, peer groups of students, along with faculty and staff, deal with one another's challenges in an inclusive and relationship-driven community (Schiff, Bazemore and Brown, 2011). Although there has been relatively little rigorous impact evaluation on restorative measures in schools, preliminary research suggests very promising results.

Prior research in both the justice and education systems, conducted in Canada, the United States and Australia, has indicated that restorative justice effectively reduces recidivism rates and promotes positive relationships (Arnott, 2007; Morrison & Martinez, 2001; Porter, 2007; Riestenberg, 2003a; White, 1998). Some examples of positive results from incorporating restorative justice from schools across the country are detailed below. • Using restorative circles, conferences, peer mediation and other approaches, the Minnesota Department of Education significantly reduced behavioral referrals and suspensions in two schools by 45 to 63 percent, increased academic achievement and significantly reduced behavior referrals and suspensions. In a recent survey, 277 schools principals reported that their schools used restorative practices (Minnesota Department of Education, 2003, 2011). • At Cole Middle School in Oakland, CA suspensions declined dramatically by 87 percent and expulsions declined to zero during the implementation of whole school restorative justice (Sumner et. al, 2010), • In Denver, Colorado, a combination of informal classroom meetings, victim impact panels and restorative conferencing resulted in a 68 percent overall reduction in police tickets and a 40 percent overall reduction in out-of-school suspensions in seventeen schools (Advancement Project, 2010). • Upon implementing restorative circles, West Philadelphia High School saw a 50 percent decrease in suspensions, along with a 52 percent reduction in violent and serious acts during the 2007/08 school year, followed by a further reduction of 40 percent during the 2008-2009 school year (Lewis, 2009). • Various schools in Pennsylvania saw marked reductions in fighting, cafeteria violations, misbehavior, detention, fighting, theft, classroom disruptions and suspensions after implementing restorative conferencing, circles and other practices (Mirsky, 2003). • Successful implementation of restorative peer juries in Chicago, IL saved over 1,000 suspension days ((Dignity in Schools Fact Sheet, n.d.). • In Palm Beach County, FL, two schools have seen reductions in suspension days of between 130-300 days (Schiff, 2012).



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CASE
EVIDENCE
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INHERENCY: FUNDING KEY

Without funding Restorative Justice programs are unlikely to happen

Max **Eden**, March 2017, Manhattan Institute, “School Discipline Reform and Disorder”,
<https://www.manhattan-institute.org/sites/default/files/R-ME-0217v2.pdf>

Furthermore, in many schools, there is confusion about what RJ is and no consensus about the best way to implement it. RJ also requires staff time and buy-in, training, and resources that traditional sanctions such as suspensions do not impose on the school. With RJ, teachers are often required to perform duties traditionally outside their job description, such as attending RJ trainings, conducting RJ sessions during class time, and spending more time one-on-one talking with students. In the absence of a significant infusion or reallocation of funding—and amid a concurrent effort to reduce school suspensions—it seems unreasonable to assume that most schools that attempt to implement restorative justice will have the necessary time and resources to maximize RJ’s reputed potential.

Restorative Justice requires funding to work in school districts

Jeremy Adam **Smith**, March 6, 2012, Greater Good Magazine, “Can Restorative Justice Keep Schools Safe?”,
https://greatergood.berkeley.edu/article/item/can_restorative_justice_keep_schools_safe

As a result, the task force charged with the transition from punitive to restorative justice was allocated \$664,763, a modest amount given the size of the system and the ambitious goals of the program. To date, the task force has trained staff at fewer than one-quarter of the district’s 107 schools. In fact, neither Kerr nor most of his teachers have received any formal training in restorative techniques. Instead they have embraced the initiative on their own. A significant portion of the task force budget goes to consultants and paying for substitutes while the teachers are in training.

Budget constraints also apply to independent nonprofits that provide restorative justice services and expertise. After the Board of Education embraced restorative justice in 2009, experienced, successful programs like Peer Courts did not receive additional funds and were not able to expand. Peer Courts received \$100,000 from the city in the 2010-11 school year, which “is basically our total program budget,” Litwak said. That year, Litwak worked with 50 students, the same number of students he did in 2008.

In early 2012, the program abruptly closed, “due to systemic budget cuts over the last few years, and an increasingly difficult environment for alternative justice programs,” as its website announced.

To Lisa Schiff and Tim Lennon, the lack of financial commitment calls into question the district’s ability to deliver on the promise of restorative justice. The two are spouses and longtime leaders in Parents for Public Schools and the parent-teacher associations at the schools their two children attended.

“The trouble is that they have \$600,000 to address a \$10 million problem,” Lennon said.

Thanks to budget cuts, Schiff added, “There’s been no rigorous analysis to say what kind of impact this program is really having. That’s too bad, because during a time of competing resources, we want to be able to defend programs that are working or change them to be more effective. You can’t do that without good data. And unfortunately, in this case, the lack of analysis and planning means that kids are getting physically hurt,” she argued, because violent offenders are not dealt with effectively.

Your Words.

Glossary:



INHERENCY: EXCLUSIONARY DISCIPLINE

Every school shooting drives harsher discipline policy

Logan J. **Gowdey**, December 2015, Columbia Law Review, "DISABLING DISCIPLINE: LOCATING A RIGHT TO REPRESENTATION OF STUDENTS WITH DISABILITIES IN THE ADA", Vol. 115, No. 8, p. 2266

Although the school-to-prison pipeline has received increasing attention from parents, advocates, and academics, reforms remain elusive. State and federal laws and policies prioritize strict disciplinary measures, despite some constitutional protections checking school discipline, and each new highly publicized school shooting drives more money into security measures that often end up increasing diversionary punishments for students.

Stringent discipline is alive and well in our public school system

Carly **Berwick**, March 17, 2015, The Atlantic, "Zeroing out Zero Tolerance",

<https://www.theatlantic.com/education/archive/2015/03/zeroing-out-zero-tolerance/388003/>

Research has long showed that stringent discipline policies are alive and well at public schools across America. As a recent report from UCLA's Center for Civil Rights Remedies makes clear, many of the country's schools are a long way off from enjoying the values typical of progressive education. That's particularly true of the second quality identified by Little—student freedom—given that the nation's schools since 2009 have, on average, reported an annual suspension rate of 10 percent, the highest it's ever been. The rate, which started steadily increasing in 1972, is based on U.S. Department of Education's civil-rights data and pertains to the percentage of individual students who were suspended once or more in any given year; it doesn't use the total number of suspensions at a school, which could include the same student numerous times. African Americans and students with disabilities, the report shows, are suspended at much higher rates than their white and general-education peers.

Zero-tolerance policies mean that suspension is used as a consequence for infractions ranging from severe (such as weapon possession) to minor (defiance or chronic tardiness). In some charter-school networks, including Success Academy in New York and Uncommon in Newark, as well as some public-school districts—such as Pontiac, Michigan, and Saint Louis, Missouri—nearly a third of students are suspended annually, according to the UCLA study. Meanwhile, Florida as a whole has a 19 percent suspension rate. And in Texas, nearly 60 percent of students have been suspended by the time they graduate high school, according to a 2011 report by the Council of State Governments' Justice Center. As that report documented, suspensions and expulsions can predict a cascade of poor outcomes for kids, including failing a grade, dropping out, or becoming incarcerated. (The UCLA report excluded New York City because of inconsistently reported data.)

300 million students are suspended every year

Clyde **Haberman**, Oct 2, 2016, NYT, "The Unintended Consequences of taking a hard line on School

Discipline", <https://www.nytimes.com/2016/10/03/us/the-unintended-consequences-of-taking-a-hard-line-on-school-discipline.html>

It is hard to imagine many law-abiding citizens disagreeing that the acceptance level for students carrying guns, knives, drugs or other harmful items should be nonexistent. But the concept of zero tolerance has come to encompass such a broad range of disruptive actions that roughly three million schoolchildren are suspended each year, and several hundred thousand are arrested or given criminal citations. Many students are hauled off to police station houses for antisocial behavior that, a generation or two ago, would have sent them no farther than the principal's office.



HARMS: DISCIPLINE IS RACIALIZED

Anti-black racial discipline disparities are clear cut

Jacob **Chamberlain**, staff writer, Jan 8, 2014, Common Dreams, "Advocates Hail 'Groundbreaking' Guidelines to Stop 'School-to-Prison Pipeline'", <https://www.commondreams.org/news/2014/01/08/advocates-hail-groundbreaking-guidelines-stop-school-prison-pipeline>

As the Associated Press reports:

In American schools, black students without disabilities were more than three times as likely as whites to be expelled or suspended, according to government civil rights data collection from 2011-2012. Although black students made up 15 percent of students in the data collection, they made up more than a third of students suspended once, 44 percent of those suspended more than once and more than a third of students expelled. More than half of students involved in school-related arrests or referred to law enforcement were Hispanic or black, according to the data.

Research conducted by the U.S. government prior to the release of the guidelines shows that such racial disparities are not due to more frequent or serious misbehavior by minority students.

"For example, in our investigations, we have found cases where African-American students were disciplined more harshly and more frequently because of their race than similarly situated white students," reads a letter sent to schools with the recommendations by the departments. "In short, racial discrimination in school discipline is a real problem."

A similar study released by University of South Carolina this week shows that by age 23, 48 percent of all American black men will have been arrested at least once. Forty-four percent of Hispanic males will also have been arrested by the same age, according to the analysis.

Referring to the school-to-prison pipeline, author of the study criminologist Robert Brame stated, "A problem is that many males – especially black males – are navigating the transition from youth to adulthood with the baggage and difficulties from contact with the criminal justice system."

Your Words.

Glossary:



HARMS: DISCIPLINE IS RACIALIZED

The label of criminal for youth of color begins in school

Joy M. **Thomas**, professor in the Educational Studies Program at the University of Oklahoma, 2013, Race, Gender & Class, "Mass Incarceration of Minority Males: A Critical Look at its Historical Roots and How Educational Policies Encourage its Existence", Vol. 20, No. 1/2, p. 179

The labeling of being a criminal starts early for the African American student as well as students of color. Evidence of targeting school age children to direct them to juvenile detention, termed school-to-prison pipeline refers to a national trend in which school policies and practices are increasingly resulting in criminalizing students rather than educating them (American Civil Liberties Union [ACLU] School to Prison Fact Sheet, 2008).

Schools brand black students as criminals

Michael **Rocque**, School of Criminology and Criminal Justice @ Northeast University, & Raymond **Paternoster**, Department of Criminology and Criminal Justice @ the University of Maryland, Spring 2011, The Journal of Criminal Law and Criminology, "UNDERSTANDING THE ANTECEDENTS OF THE "SCHOOL-TO-JAIL" LINK: THE RELATIONSHIP BETWEEN RACE AND SCHOOL DISCIPLINE", Vol. 101, No. 2, p. 636-637

Psychological research has indicated that youths are likely to disengage from school and academic pursuits if they perceive negative information about themselves or their racial group within the school environment. Steele, for example, has argued that when students perceive that racial stereotypes are being employed by teachers, they are more likely to perform poorly, which eventually leads them to detach themselves from the educational process." One particularly virulent outcome of racial stereotyping is racial discrimination. Ogbu has called this the "Pygmalion" problem; white expectations of blacks are internalized, leading to a sort of self-fulfilling prophecy. A stereotype by teachers that black students are academically deficient and hostile to the teachers' goals could easily lead teachers to see black students as "troublemakers" or menaces. With this mindset, teachers may respond more punitively to the conduct of black students than toward identical behavior by white students. An appeal to a modified version of racial threat theory provides one possible reason for this disparate treatment in the school. While racial threat theory has traditionally implied that racial minorities pose a political and economic threat to whites, it is reasonable to also expect that whites will resort to more coercive means when minorities pose a cultural threat. Both because minority students are less likely to buy into a predominately white school culture with its emphasis on academic achievement and at least the appearance of docility (due to their own cultural values that emphasize detachment and aloofness) and because teachers are likely to believe that minority youth do not buy into white school culture (because of stereotypes), teachers in the school are more likely to resort to formal punishment against minority children than against their white counterparts. This is particularly true when minorities threaten the status of white teachers in the school. In Ferguson's words, "school labeling practices and the exercise of rules operate as part of a hidden curriculum to marginalize and isolate black male youth in disciplinary spaces and brand them as criminally inclined."

Your Words.

Glossary:



HARMS: DISCIPLINE RESULTS IN INCARCERATION

Schools have become pathways to incarceration – the trend effects every element of schooling

Rethinking Schools, nonprofit organization dedicated to classrooms, schools, and public education, Jan 8, 2012, Common Dreams, “Stop the School-to-Prison Pipeline”,
<https://www.commondreams.org/views/2012/01/08/stop-school-prison-pipeline>

“Every man in my family has been locked up. Most days I feel like it doesn’t matter what I do, how hard I try—that’s my fate, too.” —11th-grade African American student, Berkeley, Calif.

This young man isn’t being cynical or melodramatic; he’s articulating a terrifying reality for many of the children and youth sitting in our classrooms—a reality that is often invisible or misunderstood. Some have seen the growing numbers of security guards and police in our schools as unfortunate but necessary responses to the behavior of children from poor, crime-ridden neighborhoods. But what if something more ominous is happening? What if many of our students—particularly our African American, Latina/o, Native American, and Southeast Asian children—are being channeled toward prison and a lifetime of second-class status?

We believe that this is the case, and there is ample evidence to support that claim. What has come to be called the “school-to-prison pipeline” is turning too many schools into pathways to incarceration rather than opportunity. This trend has extraordinary implications for teachers and education activists. It affects everything from what we teach to how we build community in our classrooms, how we deal with conflicts with and among our students, how we build coalitions, and what demands we see as central to the fight for social justice education.

Racial bias in juvenile justice is severe. Youth of color are more likely to be arrested, detained, charged, sent to adult court and incarcerated.

Michelle **Alexander**, 2010, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*,
<https://peacelawandjustice.files.wordpress.com/2013/12/newjimcrow-ch-1.pdf>

The most comprehensive studies of racial bias in the exercise of prosecutorial and judicial discretion involve the treatment of juveniles. These studies have shown that youth of color are more likely to be arrested, detained, formally charged, transferred to adult court, and confined to secure residential facilities than their white counterparts. A report in 2000 observed that among youth who have never been sent to a juvenile prison before, African Americans were more than six times as likely as whites to be sentenced to prison for identical crimes. A study sponsored by the U.S. Justice Department and several of the nation’s leading foundations, published in 2007, found that the impact of the biased treatment is magnified with each additional step into the criminal justice system. African American youth account for 16 percent of all youth, 28 percent of all juvenile arrests, 35 percent of the youth waived to adult criminal court, and 58 percent of youth admitted to state adult prison. A major reason for these disparities is unconscious and conscious racial biases infecting decision making. In the state of Washington, for example, a review of juvenile sentencing reports found that prosecutors routinely described black and white offenders differently. Blacks committed crimes because of internal personality flaws such as disrespect. Whites did so because of external conditions such as family conflict.

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Your Words.

Glossary:



HARMS: THE NEW JIM CROW SCENARIO

This is a possible advantage substitute – take out the two in the 1AC and use this one instead

Contention 2: The New Jim Crow

1. The transformation of schools into institutions of discipline is rooted in a long history of white supremacy intertwined into American education institutions

E. Christi **Cunningham**, Professor of Law & Director, Education Rights Center, Howard University & Aderson Bellegarde **François**, Professor of Law & Supervising Attorney, Civil Rights Clinic, Howard University, Nov 2, 2015, Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit, “Brief for the Civil Rights Clinic and the Education Rights Center at Howard University School of Law as Amici Curiae in Support of Respondents”, Fisher v. Texas, p. 16

If the financing of American higher education institutions by the slave economy was a first-generation brute demonstration of white supremacy, and if the academic theories these institutions promoted in the service of Jim Crow were a thinly disguised second-generation expression of white superiority, then today, the racialization of K-12 school discipline, the discriminatory application of so-called zero tolerance policies, and the transformation of primarily Black public primary and secondary schools into institutions of custody and control serve as third-generation instruments of white privilege.

2. Exclusionary discipline policies are applied under the backdrop of whiteness. Black students receive the significantly disproportionate end of punishment.

E. Christi **Cunningham**, Professor of Law & Director, Education Rights Center, Howard University & Aderson Bellegarde **François**, Professor of Law & Supervising Attorney, Civil Rights Clinic, Howard University, Nov 2, 2015, Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit, “Brief for the Civil Rights Clinic and the Education Rights Center at Howard University School of Law as Amici Curiae in Support of Respondents”, Fisher v. Texas, p. 20-21

From 2009 to 2010, it was reported that “[a]lthough Black students made up only 18 percent of those enrolled in the schools sampled, they accounted for 35 [%] of those suspended once, 46[%] of those suspended more than once and 39 [%] of all expulsions.” The disconnect between white teachers and Black students often exacerbates these policies. White teachers feel more threatened by young Black boys, seeing them as disruptive, and in need of discipline. On the other hand, teachers and school officials have a tendency of defining disruptive white youth as in need of medical intervention rather than zero tolerance consequences. For young Black girls, any deviation from the social norms that define female behavior according to a narrow, white middle-class definition of femininity, brands them as non-conformative, defiant, and disruptive thereby subjecting them to some form of criminalizing response. The consequences of dumping promising Black male and female students out of schools and into the streets are disastrous. Overall, this equates to Black students suffering from less time in an academic classroom due to zero tolerance policies, which subsequently leads to feelings of alienation from school, elevated dropout rates, and alarming incarceration rates.



HARMS: THE NEW JIM CROW SCENARIO

3. School disciplinary referrals are the #1 predictor of future incarceration.

Deborah **Fowler**, deputy director of Texas Appleseed, Oct 2011, The Phi Delta Kappan, "School discipline feeds the "pipeline to prison"", Vol. 93, No. 2, p. 16

According to a study by the Public Policy Research Institute at Texas A&M University (2005), the single greatest predictor of future involvement in the juvenile system is a history of disciplinary referrals at school. Those findings include: • Holding all other risk factors statistically constant, students involved in one or more disciplinary incidents were 23.4 times more likely to be referred to the juvenile justice system. • Each additional disciplinary infraction increased that likelihood by 1.5%, and each day a student was suspended from school increased the probability of referral to the justice system by 0.1%. • Numerous studies by national experts in education, criminal justice, and mental health have established a link between school dropout rates and incarceration. In Texas and nationally, high school dropouts constitute a large percentage of inmates in juvenile and adult prisons (Dillon, 2009).

4. Racial bias in juvenile justice is severe. Youth of color are more likely to be arrested, detained, charged, sent to adult court and incarcerated.

Michelle **Alexander**, 2010, The New Jim Crow: Mass Incarceration in the Age of Colorblindness, <https://peacelawandjustice.files.wordpress.com/2013/12/newjimcrow-ch-1.pdf>

The most comprehensive studies of racial bias in the exercise of prosecutorial and judicial discretion involve the treatment of juveniles. These studies have shown that youth of color are more likely to be arrested, detained, formally charged, transferred to adult court, and confined to secure residential facilities than their white counterparts. A report in 2000 observed that among youth who have never been sent to a juvenile prison before, African Americans were more than six times as likely as whites to be sentenced to prison for identical crimes. A study sponsored by the U.S. Justice Department and several of the nation's leading foundations, published in 2007, found that the impact of the biased treatment is magnified with each additional step into the criminal justice system. African American youth account for 16 percent of all youth, 28 percent of all juvenile arrests, 35 percent of the youth waived to adult criminal court, and 58 percent of youth admitted to state adult prison. A major reason for these disparities is unconscious and conscious racial biases infecting decision making. In the state of Washington, for example, a review of juvenile sentencing reports found that prosecutors routinely described black and white offenders differently. Blacks committed crimes because of internal personality flaws such as disrespect. Whites did so because of external conditions such as family conflict.

◆.....◆
Your Words.

Glossary:



HARMS: THE NEW JIM CROW SCENARIO

5. The interlocking oppression of blackness and criminality follows black people from the cradle to the grave. Felon is the new N-bomb and Incarceration is the modern means of lynching.

Michelle Alexander, 2010, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, <https://peacelawandjustice.files.wordpress.com/2013/12/newjimcrow-ch-1.pdf>

One need not be formally convicted in a court of law to be subject to this shame and stigma. As long as you “look like” or “seem like” a criminal, you are treated with the same suspicion and contempt, not just by police, security guards, or hall monitors at your school, but also by the woman who crosses the street to avoid you and by the store employees who follow you through the aisles, eager to catch you in the act of being the “criminalblackman”—the archetypal figure who justifies the New Jim Crow.

Practically from cradle to grave, black males in urban ghettos are treated like current or future criminals. One may learn to cope with the stigma of criminality, but like the stigma of race, the prison label is not something that a black man in the ghetto can ever fully escape. For those newly released from prison, the pain is particularly acute. As Dorsey Nunn, an ex-offender and cofounder of All of Us or None, once put it, “The biggest hurdle you gotta get over when you walk out those prison gates is shame—that shame, that stigma, that label, that thing you wear around your neck saying ‘I’m a criminal.’ It’s like a yoke around your neck, and it’ll drag you down, even kill you if you let it.” Many ex-offenders experience an existential angst associated with their permanent social exclusion. Henry, a young African American convicted of a felony, explains, “[It’s like] you broke the law, you bad. You broke the law, bang—you’re not part of us anymore.” That sentiment is shared by a woman, currently incarcerated, who described the experience this way:

When I leave here it will be very difficult for me in the sense that I’m a felon. That I will always be a felon ... for me to leave here, it will affect my job, it will affect my education ... custody [of my children], it can affect child support, it can affect everywhere—family, friends, housing.... People that are convicted of drug crimes can’t even get housing anymore.... Yes, I did my prison time. How long are you going to punish me as a result of it? And not only on paper, I’m only on paper for ten months when I leave here, that’s all the parole I have. But, that parole isn’t going to be anything. It’s the housing, it’s the credit reestablishing.... I mean even to go into the school, to work with my child’s class—and I’m not a sex offender—but all I need is one parent who says, “Isn’t she a felon? I don’t want her with my child.”

The permanence of one’s social exile is often the hardest to swallow. For many it seems inconceivable that, for a minor offense, you can be subjected to discrimination, scorn, and exclusion for the rest of your life. Human Rights Watch, in its report documenting the experiences of America’s undercaste, tells the story of a fifty-seven-year-old African American woman, denied rental housing by a federally funded landlord due to a minor conviction she did not even know was on her record. After being refused reconsideration, she asked her caseworker in pained exasperation, “Am I going to be a criminal for the rest of my life?”

When someone is convicted of a crime today, their “debt to society” is never paid. The “cruel hand” that Frederick Douglass spoke of more than 150 years ago has appeared once again. In this new system of control, like the last, many black men “hold up [their] heads, if at all, against the withering influence of a nation’s scorn and contempt.” Willie Johnson, a forty-three-year-old African American man recently released from prison in Ohio, explained it this way:

My felony conviction has been like a mental punishment, because of all the obstacles.... Every time I go to put in a [job] application—I have had three companies hire me and tell me to come to work the next day. But then the day before they will call and tell me don’t come in—because you have a felony. And that is what is devastating because you think you are about to go to work and they call you and say because of your felony we can’t hire [you]. I have run into this at least a dozen times. Two times I got very depressed and sad because I couldn’t take care of myself as a man. It was like I wanted to give up—because in society nobody wants to give us a helping hand. Right now I am considered homeless. I have never been homeless until I left the penitentiary, and now I know what it feels to be homeless. If it was not for my family I would be in the streets sleeping in the cold.... We [black men] have three strikes against us: 1) because we are black, and 2) because we are a black male, and the final strike is a felony. These are the greatest three strikes that a black man has



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against him in this country. I have friends who don't have a felony—and have a hard time getting a job. But if a black man can't find a job to take care of himself— he is ashamed that he can't take care of his children.

Not surprisingly, for many black men, the hurt and depression gives way to anger. A black minister in Waterloo, Mississippi, explained his outrage at the fate that has befallen African Americans in the post-civil rights era. "It's a hustle," he said angrily. "'Felony' is the new Nword. They don't have to call you a nigger anymore. They just say you're a felon. In every ghetto you see alarming numbers of young men with felony convictions. Once you have that felony stamp, your hope for employment, for any kind of integration into society, it begins to fade out. Today's lynching is a felony charge. Today's lynching is incarceration. Today's lynch mobs are professionals. They have a badge; they have a law degree. A felony is a modern way of saying, 'I'm going to hang you up and burn you.' Once you get that F, you're on fire."

6. The incarceration of black men is near genocidal on the black population.

Joy M. **Thomas**, Educational Studies program at the U of Oklahoma, 2012, Race, Gender & Class, "Mass Incarceration of Minority Males: A Critical Look at its Historical Roots and How Educational Policies Encourage its Existence", Vol. 20, No. ½, p. 181

The United States is the land of the imprisoned (Rule & Rule, 2010). Conversely, the United States is the world's warden, incarcerating a larger proportion of its people than any other country (Gottschalk, 2010). The crisis of African American male incarceration is monumental and near genocidal proportion in the United States. African Americans make up 13.6% of the U.S. population. African American males make up 6% of the U.S. population, yet African American males make up 35% of America's prison population (Bureau of Justice Statistics Bulletin, 2008). Were this any other segment of the U.S. population, it would be deemed a national crisis worthy of a national strategy to turn around this trend. This crisis continually threatens the very fabric of the black family contributing heavily to disproportionate numbers of black families headed by black females (datacenter.kidscount.org); sky rocketing rates of AIDS and HIV infection (Centers for Disease Control, 2010); disproportionate rates of poverty (US Census Bureau); juvenile delinquency (U.S. Department of Justice); school dropout rates (National Center for Educational Statistics); and other social and community ills. Paradoxically, the election of the United States first African American president in 2008, Barack Obama, did little to quell this rising tide towards imprisonment, as incarceration is also imprisoning whole communities of color consisting of the families left behind by the current quasi-genocidal model of mass incarceration. While the impact of incarceration on individuals can be quantified to a certain extent, the wide-ranging effects of the race to incarcerate African American communities in particular, is a phenomenon that is only beginning to be investigated (Mauer, 2006).



HARMS: JIM CROW EXTENSIONS

Mass incarceration is the new Jim Crow

Rethinking Schools, nonprofit organization dedicated to classrooms, schools, and public education, Jan 8, 2012, Common Dreams, “Stop the School-to-Prison Pipeline”,
<https://www.commondreams.org/views/2012/01/08/stop-school-prison-pipeline>

The growth of the school-to-prison pipeline is part of a larger crisis. Since 1970, the U.S. prison population has exploded from about 325,000 people to more than 2 million today. According to Michelle Alexander, author of *The New Jim Crow: Mass Incarceration in the Age of Color Blindness*, this is a phenomenon that cannot be explained by crime rates or drug use. According to Human Rights Watch (*Punishment and Prejudice: Racial Disparities in the War on Drugs*, 2000) although whites are more likely to violate drug laws than people of color, in some states black men have been admitted to prison on drug charges at rates 20 to 50 times greater than those of white men. Latina/os, Native Americans, and other people of color are also imprisoned at rates far higher than their representation in the population. Once released, former prisoners are caught in a web of laws and regulations that make it difficult or impossible to secure jobs, education, housing, and public assistance—and often to vote or serve on juries. Alexander calls this permanent second-class citizenship a new form of segregation.

As a result of incarceration huge percentages of Black people are an undercaste – a lower caste of people permanently barred from mainstream society.

Michelle **Alexander**, 2010, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*,
<https://peacelawandjustice.files.wordpress.com/2013/12/newjimcrow-ch-1.pdf>

What is completely missed in the rare public debates today about the plight of African Americans is that a huge percentage of them are not free to move up at all. It is not just that they lack opportunity, attend poor schools, or are plagued by poverty. They are barred by law from doing so. And the major institutions with which they come into contact are designed to prevent their mobility. To put the matter starkly: The current system of control permanently locks a huge percentage of the African American community out of the mainstream society and economy. The system operates through our criminal justice institutions, but it functions more like a caste system than a system of crime control. Viewed from this perspective, the so-called underclass is better understood as an undercaste—a lower caste of individuals who are permanently barred by law and custom from mainstream society. Although this new system of racialized social control purports to be colorblind, it creates and maintains racial hierarchy much as earlier systems of control did. Like Jim Crow (and slavery), mass incarceration operates as a tightly networked system of laws, policies, customs, and institutions that operate collectively to ensure the subordinate status of a group defined largely by race.

Your Words.



HARMS: INCARCERATION

Once incarcerated, former prisoners become part of a permanent undercaste subject to social exclusion.

Michelle **Alexander**, 2010, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, <https://peacelawandjustice.files.wordpress.com/2013/12/newjimcrow-ch-1.pdf>

It may be helpful, in attempting to understand the basic nature of the new caste system, to think of the criminal justice system—the entire collection of institutions and practices that comprise it—not as an independent system but rather as a gateway into a much larger system of racial stigmatization and permanent marginalization. This larger system, referred to here as mass incarceration, is a system that locks people not only behind actual bars in actual prisons, but also behind virtual bars and virtual walls—walls that are invisible to the naked eye but function nearly as effectively as Jim Crow laws once did at locking people of color into a permanent second-class citizenship. The term mass incarceration refers not only to the criminal justice system but also to the larger web of laws, rules, policies, and customs that control those labeled criminals both in and out of prison. Once released, former prisoners enter a hidden underworld of legalized discrimination and permanent social exclusion. They are members of America’s new undercaste.

Once arrested, the odds of ever being free again are slim. We must keep people out of the system.

Michelle **Alexander**, 2010, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, <https://peacelawandjustice.files.wordpress.com/2013/12/newjimcrow-ch-1.pdf>

Once arrested, one’s chances of ever being truly free of the system of control are slim, often to the vanishing point. Defendants are typically denied meaningful legal representation, pressured by the threat of a lengthy sentence into a plea bargain, and then placed under formal control—in prison or jail, on probation or parole. Most Americans probably have no idea how common it is for people to be convicted without ever having the benefit of legal representation, or how many people plead guilty to crimes they did not commit because of fear of mandatory sentences.

Tens of thousands of poor people go to jail every year without ever talking to a lawyer, and those who do meet with a lawyer for a drug offense often spend only a few minutes discussing their case and options before making a decision that will profoundly affect the rest of their lives. As one public defender explained to the *Los Angeles Times*, “They are herded like cattle [into the courtroom lockup], up at 3 or 4 in the morning. Then they have to make decisions that affect the rest of their lives. You can imagine how stressful it is.”

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Your Words.

Glossary:



HARMS: INCARCERATION

The label of prison is devastating – discrimination and exclusion becomes perfectly legal. Once you are a felon, you are a second-class citizen. Most felons end up in prison again.

Michelle **Alexander**, 2010, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, <https://peacelawandjustice.files.wordpress.com/2013/12/newjimcrow-ch-1.pdf>

Once a person is labeled a felon, he or she is ushered into a parallel universe in which discrimination, stigma, and exclusion are perfectly legal, and privileges of citizenship such as voting and jury service are off-limits. It does not matter whether you have actually spent time in prison; your second-class citizenship begins the moment you are branded a felon. Most people branded felons, in fact, are not sentenced to prison. As of 2008, there were approximately 2.3 million people in prisons and jails, and a staggering 5.1 million people under “community correctional supervision”—i.e., on probation or parole. Merely reducing prison terms does not have a major impact on the majority of people in the system. It is the badge of inferiority—the felony record—that relegates people for their entire lives, to second-class status. As described in chapter 4, for drug felons, there is little hope of escape. Barred from public housing by law, discriminated against by private landlords, ineligible for food stamps, forced to “check the box” indicating a felony conviction on employment applications for nearly every job, and denied licenses for a wide range of professions, people whose only crime is drug addiction or possession of a small amount of drugs for recreational use find themselves locked out of the mainstream society and economy—permanently.

No wonder, then, that most people labeled felons find their way back into prison. According to a Bureau of Justice Statistics study, about 30 percent of released prisoners in its sample were rearrested within six months of release. Within three years, nearly 68 percent were rearrested at least once for a new offense. Only a small minority are rearrested for violent crimes; the vast majority are rearrested for property offenses, drug offenses, and offenses against the public order.

For those released on probation or parole, the risks are especially high. They are subject to regular surveillance and monitoring by the police and may be stopped and searched (with or without their consent) for any reason or no reason at all. As a result, they are far more likely to be arrested (again) than those whose behavior is not subject to constant scrutiny by law enforcement. Probationers and parolees are at increased risk of arrest because their lives are governed by additional rules that do not apply to everyone else. Myriad restrictions on their travel and behavior (such as a prohibition on associating with other felons), as well as various requirements of probation and parole (such as paying fines and meeting with probation officers), create opportunities for arrest. Violation of these special rules can land someone right back in prison. In fact, that is what happens a good deal of the time.

◆.....◆
Your Words.

Glossary:



HARMS: DISPOSABLE YOUTH

Young poor people of color are disposable populations and the prisons are our human waste disposal industry.

Henry A. **Giroux**, 2010, jac, "Locked Up: The Youth Crime Complex and Education in America", Vol. 30, No. ½, p. 23

The war being waged against young people marginalized by class or race is best exemplified by the ascendancy of the prison as a definitive model of disciplinary regulation and a primary element of governance in dealing with disposable populations. Punishment and incarceration, long absolved of the pretense of rehabilitation, now primarily focus on what Bauman has called "the human waste disposal industry" (Wasted 6). Angela Davis indicates that the prison has become the social institution par excellence in the aftermath of the breakdown of the welfare state: [The prison in] U.S. society has evolved into that of a default solution to the major social problems of our times.... [I]mprisonment is the punitive solution to a whole range of social problems that are not being addressed by those social institutions that might help people lead better, more satisfying lives. This is the logic of what has been called the imprisonment binge: Instead of building housing, throw the homeless in prison. Instead of developing the educational system, throw the illiterate in prison. Throw people in prison who lose jobs as the result of de-industrialization, globalization of capital, and the dismantling of the welfare state. Get rid of all of them. Remove these dispensable populations from society. According to this logic the prison becomes a way of disappearing people in the false hope of disappearing the underlying social problems they represent. (Abolition 117,40-41)

The carceral technologies of the school are even more dangerous than that of traditional policing

Lizbet **Simmons**, with the Civil Rights Project at UCLA, 2014, Social Justice, "Profiting from Punishment: Public Education and the School Security Market", Vol. 41, No. 4 (138), p. 83

In the era of the war on crime, public schools have collaborated with the criminal justice system to control student populations. Police are increasingly stationed in public schools and many are armed and supported by satellite police stations (Giroux 2011 ; Hirschfield 2008). The use of carceral technologies at school has expanded, and surveillance cameras and metal detectors are now common in the educational landscape. Three-quarters of all new schools built in 2002 had fully integrated surveillance systems (Kupchik and Monahan 2006; Monahan 2006). Search and seizure exercises are also regularly performed at school, and school officials leading criminal justice officers in these drills face fewer constraints legislating these practices in the private spaces outside school. The Safe and Drug-Free Schools Program claims that "public school officials, [are] like law enforcement officers" and represent the criminal justice system while conducting searches on school grounds, but "school officials [are] unlike the police, [because they] do not need to obtain a warrant prior to conducting a search, nor do they need probable cause to believe that a violation of the law has occurred" (USDOE 1996). At school, then, students are vulnerable to agents of a criminal justice system whose power exceeds that of traditional justice officers.

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Your Words.

Glossary:



SOLVENCY: SCHOOL DISTRICTS KEY

School district policies are necessary

monika **alvis**, May 15, **2015**, The College at Brockport, State University of New York, “Teachers’ Perceptions About Using Restorative Practice Based Programs in Schools”,
http://digitalcommons.brockport.edu/cgi/viewcontent.cgi?article=1006&context=edc_capstone

Second, developing school and district policies that support the restorative philosophy would unite stakeholders towards common goals. There is a great need for bridging the responsibilities of staff and forming a collaborative environment where everyone knows what is needed to support students. According to Rodman (2007), “the restorative philosophy requires limit-setting, clear expectations, and support from all members of the school community to help students meet these expectations.” Additionally, knowing that the staff is united in a philosophy helps to connect the school community (Rodman, 2007).

Restorative Justice should be in every school district

Molly Rowan **Leach**, July 23, **2013**, Huffington Post, “Restorative Justice Is on the Rise”
http://www.huffingtonpost.com/molly-rowan-leach/restorative-justice-is-on_b_3612022.html

On the basic human level of things, given the proof that the stats and savings show, there’s a deeper level of justice we are calling for — one that brings back the humanity to error without losing the safety. One that calls on truth and community building. One that saves our youth from incessant cycling in a sick system and provides them the ample room to rediscover their own light and truth. One that unifies at best, and opens up that condition or possibility at worst, for those harmed and affected with those who’ve harmed. One that ends cycles of violence or interrupts them and calls us forward to heed the angels of our better selves. One that sees humanity as a given right, and violates this right no longer. One that respects victims and gives them the precedence to process and be supported in a way that gives them a better chance at healing. And one, finally, that says “NO MORE” to the furthering of an already out of control Prison Industrial Complex whose very health depends on the warehousing of people.

As Rep. Lee said as he closed his speech in Toledo:

We, the people, need to insist that restorative justice be implemented in every jurisdiction and in every school. The time for restorative justice is now.

To those skeptics who say, “You will get there when hell freezes over,” I remind them that it snowed in Las Vegas last December.

◆.....◆
Your Words.



SOLVENCY: RJ REDUCES EXCLUSIONARY DISCIPLINE

Adopting restorative justice reduces suspensions by more than 50%

Joan **Vestrand**, associate dean of Western Michigan University-Cooley Law School, January/February, 2017, Federal Lawyer, "A BETTER WAY: Empowering Youth to Build Character and Community in Our Schools", 64-FEB Fed. Law. 62, p. 63

Schools that are getting it are experiencing amazing results. Restorative justice works because these programs "are centered on respect, responsibility, relationship-building, and relationship-repairing" with a focus on "mediation and agreement rather than punishment." With a restorative justice system in place, the misbehaving student receives the chance to come forward and make things right. Instead of a culture of punishment and mistrust, it's one of accountability and responsibility--and training youth to be correct in their behavior. What we now know is that positive discipline produces positive behavior. Schools that embrace restorative justice initiatives have seen suspensions decrease by 50 percent or more, and disrespect for teachers has declined. Students are more focused on their studies and attend classes in greater percentage. The suspensions and expulsions which often led students to fail behind, drop-out, and enter the juvenile justice system, have subsided, putting a halt to the school-to-prison pipeline. As one educator put it: the whole thing boils down to a shift in perspective. It's seeing the truth that "My student is not. giving me a hard time--my student is having a hard time." Marvin Berkowitz, the director for the National Center for Character Education preaches to teachers all over the country that "we can't teach through a 'rat'." Personal turmoil, problems at home, lack of support, abuse, and neglect--these rats come right into the school with the child. Berkowitz says that to get anywhere with a youth, we must first address the rats. To ignore them is solid barrier to success. For change to take place, root issues must be exposed and dealt with.

Restorative justice is incompatible with zero-tolerance and punitive discipline

Katherine R. **Evans & Jessica N. Lester**, May 2013, Middle School Journal, "Restorative justice in education: What we know so far", Vol. 44, No. 5, p. 57

While there are some who see RJ potentially existing alongside more punitive systems (Stinchcomb et al., 2006), most RJ educators see the two systems as incompatible. For example, Morrison and Vaandering (2012) argued that zero tolerance is about social control, while RJ is about social engagement. Defining zero tolerance as a type of regulatory formalism that rests on a one-size-fits-all approach, they stated that RJ instead promotes engagement and collaboration among individuals at the local level for the purpose of repairing the harm, resolving conflict, and reconciling relationships. Likewise, Suvall (2009) contrasted restorative approaches with punitive approaches and suggested that, after years of seeing zero tolerance policies fail to create safer schools and, in many cases, exacerbate disciplinary problems, it is time to do something different. Unlike zero tolerance policies, RJ is concerned not only with reducing school violence but also with changing the conditions that lead to violence. RJ recognizes that each individual case is unique and brings with it a unique set of challenges and learning opportunities (Karp & Breslin, 2001; Stinchcomb et al., 2006).

Your Words.

Glossary:



SOLVENCY: RJ REDUCES EXCLUSIONARY DISCIPLINE

Restorative justice reduces suspensions and expulsions

Elizabeth **Xu**, Nov 15, **2013**, Rasmussen College, “Healthy Healing or Cop Out: Can Restorative Justice Help Curb Juvenile Crime?”, <http://www.rasmussen.edu/degrees/justice-studies/blog/can-restorative-justice-help-curb-juvenile-crime/>

In schools, one of the main benefits of a restorative justice program is that it keeps kids from being suspended, expelled and, in some cases, dropping out altogether. The idea is that curbing antisocial behavior now will protect the person from delving into a life of crime down the road.

The process seems to be working in some schools. One Oakland (Calif.) school saw suspensions drop 46 percent in 2011-2012 after training more than 200 teachers and administrators in the practice. Suspensions in Ypsilanti dropped 10 percent in less than a year. And the Longmont pilot program that works with the local police department diverted 91 court referrals and saved 172 days of suspension between August 2010 and May 2012.

Restorative Justice in San Francisco has intervened in the pipeline by reducing suspensions 35%

Jeremy Adam **Smith**, March 6, **2012**, Greater Good Magazine, “Can Restorative Justice Keep Schools Safe?”, https://greatergood.berkeley.edu/article/item/can_restorative_justice_keep_schools_safe

Board colleague Sandra Lee Fewer said, “Sixty percent of inmates in the San Francisco county jail have been students in the San Francisco public school system, and the majority of them are people of color. We just knew we had to somehow stop this schoolhouse-to-jailhouse pipeline.”

Fewer and Kim, along with colleague Kim–Shree Maufas, led the three-year process for the board to officially adopt restorative justice. Though the task force charged with implementing the policy received only modest funding, expulsions have fallen 28 percent since its inception. Less serious cases have shown even more success. Non-mandatory referrals for expulsion (those not involving drugs, violence or sexual assault) have plunged 60 percent, and suspensions are down by 35 percent.

Board members and many educators say restorative practices have kept students in school and out of the criminal justice system. “We’re holding kids more accountable than we did before,” said Kim, who now serves on the city’s Board of Supervisors. “In restorative justice, you have to actually have the offender and the victim sit down and discuss what happened and how the offender can make it better.”

Your Words.



SOLVENCY: RJ IMPROVES THE SCHOOL ENVIRONMENT

Restorative justice reduces fights and violence in schools by encouraging students to understand each other

Dr. Michael D. **Sumner**, Dr. Carol J. **Silverman**, & Mary Louise **Frampton**, 2010, Thelton E. Henderson Center for Social Justice, "School-based restorative justice as an alternative to zero-tolerance policies: Lessons from West Oakland", p. 16

Many students, teachers, and staff found benefits to the restorative justice process and willingly participated for this reason. One teacher's observation summarized a common sentiment: Teacher: "I've seen many students initiate, participate in, and buy in to the effectiveness of restorative justice circles when those students do not typically just buy-in to anything." Some students felt that restorative justice strengthened the feelings of community at the school, helping them to better understand and deal with one another. In the following example, a student comments on how restorative justice led to understanding the difficulties another student was experiencing and, in turn, fostered a more respectful relationship between them. Student: "He (another student) takes a lot of pressure every day. When he was at home, his father like doesn't treat him nicely and call him like punk and he has a lot of pressure at home. And when he came to school, all the people in the school was like bullying him and doesn't like him and left him and make fun of him and kick him—just treat him like not a human being. Very disrespectful. When he goes to class, he always does something that makes the teacher yell at him. Lots of pressure going on.... And now, we change[d]...the way we treated [him], cuz we know how he feels and we know we didn't do it right, so we respect him." Many students and teachers felt the atmosphere at Cole was more peaceful, with fewer fights among students and better behavior in the classroom, relative to earlier years. Some teachers believed that there were fewer instances of harmful behavior at the school, such as students acting out in the classroom or showing disrespect, because of restorative justice. Some argued that the decline in conflict was more a function of time—the school was smaller, the students knew one another better, and fewer new students were jockeying to establish their place in the school. Others, however, directly attributed the decline in conflict to the restorative justice process.

Restorative justice gives youth control over solutions

Tali **Gal** & Shomron **Moyal**, Nov 2011, *The British Journal of Criminology*, "Juvenile Victims in Restorative Justice: Findings from the Reintegrative Shaming Experiments", Vol. 51, No. 6, p. 1017-1018

Having a sense of control is an important coping mechanism for children as well. Children use control in three different models of coping (Rothbaum et al. 1982). Primary control means changing the stressful environment in order to make it more comfortable for the individual. Secondary control means changing oneself to fit the environment. Relinquishing control means, simply, giving up. As children age, they use more active methods of coping, believing that they can address and change existing challenges (primary control strategies) [see, e.g. LaMontagne et al.'s (1996) study of children undergoing surgery]. Most children engage in 'layered coping'—a mix of secondary and primary control (Thurber and Weisz 1997). When children manage to switch from primary to secondary coping and back according to the controllability of the situation, they can reduce stress and cope more effectively. Conversely, children who assert primary control in relatively uncontrollable situations experience more negative feelings (see Thurber and Weisz 1997: 516 for children coping with homesickness and Langer et al. 2005 for children undergoing medical treatment). In sum, the literature on procedural justice and control as applied to children and youths suggests that young victims who experience the legal processes that follow their victimization as fair and who feel that they have been able to assert some level of control in them would be satisfied with these processes. Conversely, young victims can feel unsatisfied, bitter and frustrated when they think the process was unjust or that they had no control on its progress or outcomes. Restorative justice is indeed experienced as more just and more controllable (by both victims and offenders) than the court process (Strang 2002; Shapland et al. 2007). This is not surprising, since, by definition, the decision-making power in RJ processes is at the hands of the direct stakeholders. None of these assumptions, however, has been tested empirically with RJ involving young victims. While the RISE experiment did not focus on the juvenile victims who participated in it, its data can tell us about their experiences and be linked with these conclusions.



SOLVENCY: RJ IMPROVES THE SCHOOL ENVIRONMENT

Restorative Justice creates obligations to make things right which empowers youth to build relationships and take responsibility.

Mara **Schiff**, Ph.D. School of Criminology and Criminal Justice, Jan 2013, "DIGNITY, DISPARITY AND DESISTANCE: EFFECTIVE RESTORATIVE JUSTICE STRATEGIES TO PLUG THE "SCHOOL-TO-PRISON PIPELINE", <https://www.civilrightsproject.ucla.edu/>

Restorative justice approaches are increasingly being applied in schools to deal with youth misbehavior, rule violations and to improve school climate, both as individual program in schools as well as overall school district policy (Karp and Breslin, 2001; Lewis, 2009; Kane et al. 2007; Morrison et al., 2005). Restorative justice is an evidence-based practice effectively used to reduce suspensions, expulsions and disciplinary referrals.

Restorative responses to misbehavior can take a variety of forms that are centered on several core principles: 1) focus on relationships first and rules second; 2) give voice to the person harmed and the person who caused the harm; 3) engage in collaborative problem-solving; 4) enhance personal responsibility; 5) empower change and growth; and 6) include strategic plans for restoration/reparation (Amstutz & Mullet, 2005). The cumulative effect of these strategies is to offer students, teachers and administrators the possibility of a dignified response to misbehavior and a way to make amends and repair the harm caused. Restorative justice views crime or harm primarily as a violation of individuals, relationships and communities that "creates obligations to make things right" (Zehr, 1990, p.181). The assumption underlying a restorative response is that "justice" is more than simply punishing, or treating, rule breakers, but rather is about repairing the harm caused to victims, offenders and community. To the greatest extent possible, restorative processes seek to rebuild relationships damaged by crime and other conflicts. Achieving justice and meaningful school discipline in a restorative way suggests that holding offenders or rulebreakers accountable is not about asking them to "take the punishment," but rather about ensuring that they take responsibility by making amends to their victims and the community harmed. By empowering youth to be responsible for their own actions and their concomitant impacts, restorative justice offers students a means to rebuild their dignity through mature reparation of harm.

This distinction between passively accepting punishment and actively assuming responsibility for behavior that distinguishes restorative accountability from punishment, and a dignified response from a demeaning one. A restorative justice response includes two primary components: 1) a non-adversarial and dialogue-based decisionmaking process that allows affected parties (known as "stakeholders") to discuss the harm done to victims, while considering needs of all participants and, 2) an agreement for going forward based on the input of all stakeholders about what is necessary to repair the harm directly to the persons and community (Bazemore and Schiff, 2010).

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Your Words.



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AFFIRMATIVE: ANSWERS TO NEG



ANSWER TO: LEARNING ENVIRONMENT

Turn – Funding discipline trade-off with curriculum.

Lizbet **Simmons**, with the Civil Rights Project at UCLA, 2014, Social Justice, “Profiting from Punishment: Public Education and the School Security Market”, Vol. 41, No. 4 (138), p. 88

Statistically, schools remain among the safest places for children to be, but after the Columbine, Colorado, shooting and other high-profile school shootings, media attention was drawn to issues of school violence and school security (Noguera 2008; USDOE/NCES 2007). The media prominently addressed school homicides in the mostly white rural and suburban schools like Columbine, even though rates of school homicide had been higher in many previous years, but involved primarily nonwhite urban schools (Noguera 2003). As the fear of violence rose in the aftermath of school shootings, many school districts responded to constituency demands for school safety by putting school security technologies in place (ibid.). Even districts without immediate resources to implement high-security strategies shifted funds away from curricular programs to fund these costly measures (ibid.).



ANSWER TO: LEARNING ENVIRONMENT

Restorative Justice prevents improves the school climate which prevents conflict from escalating and encourages a greater sense of accountability when a problem does happen.

Mary Schmid Mergler, Karla M. Vargas & Caroline Caldwell, Oct 2014, The Phi Delta Kappan, "Alternative discipline can: benefit learning", Vol. 96, No. 2, p. 27-28

The restorative justice model originated in the criminal justice system. It engages the victim, offenders, and the community in redressing the harms caused by a crime. The success of this model is such that it has been adapted outside the criminal justice context and is growing in popularity as a means to address student misbehavior (National Opportunity to Learn, 2014). Within schools, this model creates a system that focuses on developing relationships among students and school administrators, teaching students how their actions affect the school community, and providing a platform for students and administrators to engage in righting the wrongs caused by the student's behavior. This model also supports "the emotional health, well-being, and learning potential of the youth and all adult members of the school community" (National Opportunity to Learn, 2014, p. IS-I6).

Unlike exclusionary discipline, where a student experiences a punitive measure as a consequence of misbehavior, restorative justice challenges students to hold each other accountable and right a wrong. It creates a space where misbehaving students and those affected by the misbehavior work together to identify the harm, identify and acknowledge the effects of that harm, and work toward a resolution to remedy the harm (Jones, 2013). Typically, students use a restorative justice "circle" where they identify the individuals (students, teachers, school administrators) with whom they have a conflict or individuals affected by misbehavior. A third-party teacher, staff person, or even student mediates the discussion, or circle, so affected parties can reach a resolution acceptable for all involved. The goal of that resolution is to remedy the harm done by the misbehavior, while taking into account the effects of that harm on the individuals affected and the larger school community. This encourages students to take responsibility for their actions and allows them to address their behavior by acknowledging and understanding, and the school community (National Opportunity to Learn, 2014).

Addressing bullying: Concerned about the rising use of exclusionary discipline as well as bullying, Ed White Middle School in San Antonio, Texas, introduced the restorative justice model during the 2012-13 academic year. Teachers had two days of training, which included teacher and staff participation in restorative justice circles. Teachers were instructed on the importance of effectively using restorative justice circles and their nonhierarchical intent of putting all involved on an equal playing field, thus encouraging students to more effectively communicate with peers and teachers since everyone has an equal voice in the circle (Armour, n.d.).

Ed White incorporates various restorative justice circles throughout different stages of its discipline process. At the first stage, teachers used circles to build community in the classroom by checking in with students to ensure that they are ready to participate in the learning process and are not preoccupied with other matters. The circles were then incorporated into student problem solving, where students who had issues with other students could participate in a circle to address the conflict before it ballooned into a disciplinary matter. As the school year progressed and the school became better acquainted with using circles, teachers were encouraged to use them as the main form of discipline in the classroom. Students responded positively to the restorative justice circles, and they perceived disciplinary actions at the school as having much more procedural fairness after the programs implementation (Armour, n.d.).

The Institute for Restorative Justice and Restorative Dialogue at the University of Texas at Austin observed Ed White's first year of implementation and analyzed improvements during the transition to the restorative justice discipline system. The study found that the number of suspensions and expulsions were reduced, but the most noticeable change was the difference in school climate and culture (National Opportunity to Learn, 2014). "Circling it" is now a catchphrase at Ed White, and students in conflict with one another will ask staff to help them engage in restorative justice circles (KV U II, 2013). A teacher at Ed White said the restorative justice program has been a life-changing experience, and its ability to help troubled students open up and speak with staff has made a difference in overall behavior, specifically in classroom behavior. Similarly, Ed White students found that using the circles helped them understand other students better and that understanding helped resolve conflicts more quickly. The change from an exclusionary discipline policy to a restorative justice policy created a system that emphasizes reparations over punishment and fosters problem solving and accountability in students, which has created a school climate more conducive to learning.



ANSWER TO: ARTIFICIAL DATA

Peer-reviewed research proves restorative justice works

Katherine R. **Evans** & Jessica N. **Lester**, May 2013, Middle School Journal, "Restorative justice in education: What we know so far", Vol. 44, No. 5, p. 60-61

The studies reviewed here only begin to represent the implementation of RJ in schools, work that has a great deal of anecdotal support. We focus here only on peer-reviewed research articles. Latimer and associates (2005) conducted a meta-analysis to test the effectiveness of RJ practices. They focused on the following outcome measures: victim-offender satisfaction, recidivism, and compliance with the restitution program. Latimer and associates included 22 unique studies that used RJ within a variety of settings, predominately within the justice system. Overall, they reported that restorative approaches were significantly more effective in achieving victim-offender satisfaction, low levels of recidivism, and high levels of compliance. Rodriguez (2007) conducted a multivariate analysis using official juvenile court data from an urban, metropolitan area in the United States to study recidivism rates for those individuals who had participated in restorative and non-restorative programs. Rodriguez reported that juveniles who participated in restorative programs had slightly lower recidivism rates than those who had not. Similarly, Hayes (2005) conducted a study comparing the recidivism rates of offenders referred to RJ conferencing and the rates of offenders sent to court. She found that violent offenders referred to RJ conferencing were less likely to reoffend compared to violent offenders referred to the courts. The research focused on the juvenile justice system consistently highlights the value of restorative practices in decreasing recidivism rates and increasing the chances for reintegration into a community. How, though, might these practices play out in a school setting? While there have been relatively few peer-reviewed journal articles focused on RJ research in schools, several published case studies have highlighted the long-term effects of employing RJ approaches to school discipline and climate. For instance, McCluskey and associates (2008a, 2008b) reported findings from a two-year evaluation of a pilot project implementing RJ in ten primary, seven secondary, and one specialized school in Scotland. Data collected included interviews and focus groups with students, staff, and parents; school staff surveys; student surveys; participant-observations of meetings and activities; school policy documents; and national and school-based statistical data. The researchers reported that after implementing RJ, teachers were more willing to reflect on their interactions with students and colleagues. They described RJ as being most effective when the school staff displayed a "visible commitment" to the underlying principles (McCluskey et al., 2008b, p. 415). One of the challenges was navigating tensions between broader policies related to discipline and the assumptions inherent to a restorative approach. To date, the largest study of restorative practices in schools occurred in Australia (Suvall, 2009). When schools in Queensland began dealing with disciplinary violations by employing circles/conferencing, students and administrators reported feeling more understood, safer, and accepted. Further, administrators stated that they felt the conferencing functioned to reinforce school values (Cameron & Thorsborne, 1999). Karp and Breslin (2001) reported on the ways in which some Minnesota, Colorado, and Pennsylvania schools have replaced ineffective zero tolerance approaches with RJ practices as a way to address drug and alcohol problems. While individual schools employed RJ in slightly different ways, the majority of elementary, middle, and high schools employing such approaches reported decreases in major disciplinary issues, reductions in the number of expulsions and out-of-school suspensions, and shifts from expelling students with drug and alcohol issues to providing supports that resulted in a reduction in substance abuse.



ANSWER TO: IMPLEMENTATION PROBLEMS

Limitations are not a reason to abandon restorative justice

Kathleen **Daly**, January 15, **2005**, Handbook of Restorative Justice: A Global Perspective, "The Limits of Restorative Justice",
<http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.595.9278&rep=rep1&type=pdf>

That there exist limits on what RJ can achieve should not be grounds for dispensing with it, nor for being disillusioned, once again, with a new justice idea. My reading of the evidence is that face-to-face encounters between victims and offenders and their supporters is a practice worth maintaining, and perhaps enlarging, although we cannot expect it to deliver strong stories of repair and goodwill most of the time.

After 1 year of implementation in one high school and one middle school, exclusionary discipline practices declined by 60%

Lorna **Sheridan**, Oct 12, **2015**, Sonoma Index-Tribune, "Restorative justice comes to Sonoma schools",
<http://www.sonomanews.com/news/education/4587039-181/restorative-justice-comes-to-sonoma>

Neighboring Santa Rosa city schools are already on board and pleased with the success of the program thus far. In 2013, Santa Rosa learned it had the fourth highest rate of suspensions of any district in the state. The district was eager to find a different approach and it committed to spending \$125,000 on a pilot to introduce restorative justice practices in one middle school and one high school.

After just one year, suspensions were down more than 60 percent in those schools. Santa Rosa school board president Bill Carle said, "The impact of restorative justice on Santa Rosa schools has been astounding." Soon thereafter, an additional \$160,000 in Santa Rosa bond funding was approved to expand the program.



ANSWER TO: INSINCERE OFFENDERS

Restorative justice fits the school environment better than punitive discipline because it builds social skills. Over time students will improve their interactions with each other.

Dr. Michael D. **Sumner**, Dr. Carol J. **Silverman**, & Mary Louise **Frampton**, 2010, Thelton E. Henderson Center for Social Justice, "School-based restorative justice as an alternative to zero-tolerance policies: Lessons from West Oakland", p. 17

The teachers, administrators, and staff who were enthusiastic about restorative justice appeared to embrace it wholeheartedly. These teachers believed that the restorative process was better suited to the educational process than the traditional discipline model. Rather than punitive measures, typically suspension, which removed the student from the learning environment, they now had a methodology that focused on the young person's personal growth and ability to learn from their mistakes. Teacher/Staff: "The difference between the [traditional disciplinary and restorative measures] is that this school site, the students are really used to talking and processing. And so it gives me—many times, it'll give me more of the ability to redirect behavior through assisting them with processing through things; as opposed to where in some of the other sites that I'm familiar with, you know there's a lot of more consequence-based stuff—where it kind of just shuts down the processing part for the student, because then they just have to become angrier; or they just have to go home." In this way, restorative justice fits well into a school environment where helping students mature and gain social skills, as well as master academic subjects, is emphasized. Restorative justice compels students, sometimes reluctantly, to confront the consequences of their actions and focus on their feelings. Restorative justice at Cole thus gave teachers a structure to help students reflect on and learn from their actions and its consequences.

Restorative Justice reduces recidivism by 28% - no other form of justice even gets close to that rate

Alasdair **Palmer**, Oct 31, 2009, The Telegraph, "Restorative justice could actually restore justice", <http://www.telegraph.co.uk/comment/personal-view/6475013/Restorative-justice-could-actually-restore-justice.html>

Restorative justice sounds like a soft option, a way of letting criminals off the hook through an effortless, and essentially costless, apology. Handled in the wrong way, that is no doubt what it can be. But to my surprise, there is some strong statistical evidence that going through restorative justice can have a major reforming effect on criminals.

Prof Lawrence Sherman, Wolfson Professor of Criminology at Cambridge, carried out a rigorous study, funded by the Home Office and evaluated independently, of 850 offenders. Half had agreed to participate in restorative justice – that is, to meet the victims of their crimes; the others were not offered that alternative. Those who went through the restorative justice process committed, on average, 28 per cent fewer crimes over the following two years, as measured by their reconviction rate.

No other intervention comes close to that result. When matched for their criminal pasts, those released from prison and those given community sentences have almost identical reconviction rates, of around 50 per cent – which is about the level among those who are simply cautioned or fined. So for restorative justice to result in a drop in the rate of reconviction of more than 25 per cent is extraordinary. If Prof Sherman's result is all it seems to be, then restorative justice achieves something that no other procedure has: it persuades a significant number of criminals to commit fewer crimes.



ANSWER TO: TEACHER BACKLASH

Restorative justice reduces the power differential between students and teachers making it easier for both parties to relate to one another

Dr. Michael D. **Sumner**, Dr. Carol J. **Silverman**, & Mary Louise **Frampton**, 2010, Thelton E. Henderson Center for Social Justice, "School-based restorative justice as an alternative to zero-tolerance policies: Lessons from West Oakland", p. 18

Both teachers and students appreciated the chance to better know one another outside of their respective roles of "teacher" or "student" and to be seen as individuals. Teacher/Staff: "Circles have allowed me to be who I am, rather than just a title. I can be compassionate, a listener, rather than just a title of consequence and power." Restorative justice provided a context that facilitated learning about one another's backgrounds and experiences in an environment that was more personal than a classroom. One teacher, for example, talked in the circle about the amount of time she spent outside the classroom preparing for classes. Students were surprised. They seemed unaware of the extent of the teacher's care for them and her dedication to their education. In another example, students evidenced great interest in the saga of a restorative justice leader's stolen bike. Perhaps most importantly, the circle permitted students to see conflict from the teachers' perspectives. Student: "I guess that was ok. Because [teacher], she been trying to do her part and be in the circle with the kids that she be having troubles with. And I think that's helping her out and it's helping the kid out too. Because [teacher] is being able to pour out her feelings and so is the student." Teachers also learned about some of the issues their students were facing outside of school, such as worrying about an ill relative, witnessing violence, or facing pressure from friends or relatives. This new awareness helped teachers better understand the causes of classroom misbehavior and not regard it simply as a personal challenge to their authority. Even when a definitive cause for a student's behavior did not emerge through the restorative process, teachers were more likely to place the behavior in a larger context. Teacher/Staff: "I start remembering that there's probably a hidden reason why somebody has done something. I don't take the things that used to happen to me as personally." Students in the circle were able to relate their perspectives and be heard. They could directly talk to the teacher, other adults, and students in a forum where they could express what they felt and be taken seriously. A student could say for example, that she did not understand why a particular behavior or form of dress was perceived as disrespectful and expect a thoughtful answer rather than a preemptive conclusion.

Restorative justice improves the school climate, particularly between the teacher and student

monika **alvis**, May 15, 2015, The College at Brockport, State University of New York, "Teachers' Perceptions About Using Restorative Practice Based Programs in Schools",
http://digitalcommons.brockport.edu/cgi/viewcontent.cgi?article=1006&context=edc_capstone

Findings confirm that restorative programs and restorative interventions vastly impact school climate. In a study conducted in several public schools in Porto Alegre, Brazil, Grossi and Santos (2012) found that there was great improvement in the school climate and student behavior as a result of the reparative dialogue established through restorative practices. Grossi and Santos also found that students demonstrated increased respect for other students and showed different, more positive modes of interaction (2012). Additionally, restorative practices played a primary role in helping to resolve conflicts in school. In another study conducted in Midway High School in New Zealand, researchers found similar results. Kaveney and Drewery (2011) reported that teachers using restorative practices felt closer to and developed better relationships with their students and noticed an improvement in student awareness of the impact they have on other people. Teachers conveyed that restorative practices positively changed teacher and student relationships and the way each school functions (Kaveney & Drewery, 2011). Teachers also noted that school climate improved with students being more caring, respectful, and considerate toward other students (Kaveney & Drewery, 2011). Furthermore, the views of staff and students reflected positive changes in student relationships and conflict resolution skills (McCluskey, 2008).



ANSWER TO: TEACHER BACKLASH

Asymmetrical power between teachers and students cause behavioral problems

Trevor **Gardner**, Oct 2014, The Phi Delta Kappan, “Make students part of the solution, not the problem”, Vol. 96, No. 2, p. 11

This is a common dynamic in schools: Adults have all the power, and students must be obedient and respectful – even when they are right (and righteous) in the face of injustice. This is the dynamic that leads to so many students blowing up over incidents that begin small. After many years of schooling, students have learned that the teacher’s word is taken as truth, and their perspective won’t matter. Being told to move seats or getting a detention for repeatedly talking can often lead to screaming at a teacher, storming out and slamming a door, or throwing a fit because that is their only source of power. They have seen models of struggle – from “The Maury Show” to the contentious political climate – that value temper tantrums and threats of violence to win one’s point. And they employ these competently when they find themselves powerless in classroom situations.

Restorative justice creates a better system of equity which humanizes teachers and students

Dr. Michael D. **Sumner**, Dr. Carol J. **Silverman**, & Mary Louise **Frampton**, 2010, Thelton E. Henderson Center for Social Justice, “School-based restorative justice as an alternative to zero-tolerance policies: Lessons from West Oakland”, p. 26

The increased equity, however, holds great potential. The culture of restorative justice allows students to perceive adults as human beings who respect them, and not simply as authority figures. This can help students better understand the behavior of their teachers. Teacher/Staff: “It comes first from how teachers are interacting with students, and there’s a level of respect that you can show. I think teachers oftentimes respect students, [but] there isn’t a vehicle to show that respect. There aren’t enough vehicles, and this is one vehicle where you can sit down and sort of put your powerful position aside, to put a position of power aside, and be in a safe environment for the teacher and the student because it’s an unsafe environment oftentimes because teachers feel, to put that power aside.” Seeing teachers as human beings can also facilitate the student’s willingness to show advanced levels of maturity Student: “So you want me to not say anything when I see her in a bad mood.” Adult: “Yes, even when you’re in the right. I know this is a hard thing. And I may be asking you to do something that you’re not ready to do.” Increased equity may also make students more comfortable in revealing personal difficulties that they face. For example, a student might reveal that she or he is misbehaving because a family member is ill or in trouble.



ANSWER TO: TEACHER BACKLASH

Teachers are willing to do the plan, but they need school districts and schools to implement it.

monika **alvis**, May 15, **2015**, The College at Brockport, State University of New York, “Teachers’ Perceptions About Using Restorative Practice Based Programs in Schools”,
http://digitalcommons.brockport.edu/cgi/viewcontent.cgi?article=1006&context=edc_capstone

Studies have shown mostly positive outcomes from restorative based school interventions including improvement in peer interactions, social climate, and increased empathy in victims and offenders (Zaslow, 2009). Additionally, research has indicated that restorative practices help to create more caring and responsible students (Zaslow, 2009). According to Bitel (2005) “if implemented correctly restorative programs can improve the school environment, enhance learning, and encourage students to be more responsible and empathetic. The positive implications of using restorative programs in schools therefore are much greater than the criticisms (Zaslow, 2009). Although more conclusive research is needed to understand the reactions of individuals involved in implementing these programs, it is clear from the findings that teachers see the positive implications of using restorative based interventions in their work with students. Participant responses suggest that teachers are willing to try restorative practice based interventions despite the limitations. Teachers felt that RP programs align well with school priorities and with other positive behavioral interventions that are already being used. Despite preliminary evidence that teachers are willing to try RP programs, it is ultimately up to individual school districts to decide on how they will address discipline and to determine how restorative based practices can be beneficial for their school. In examining the findings it is evident that limitations exist that influence how teachers, staff and communities react to restorative based programs. Like with any new undertaking, in order to have greater support from teachers and staff, limitations need to be addressed. By giving teachers and other stakeholders a voice and role in the process, they will have greater reason to buy in to the program (Mirsky, 2011). Likewise, as staff and teachers become familiar with these processes they will be more willing and prepared to adopt them in their school practices.



ANSWER TO: OAKLAND & MINNESOTA MODEL

Minnesota & Oakland prove Restorative Justice reduces exclusionary discipline practices and makes the school more peaceful

Jeremy Adam **Smith**, March 6, 2012, Greater Good Magazine, "Can Restorative Justice Keep Schools Safe?", https://greatergood.berkeley.edu/article/item/can_restorative_justice_keep_schools_safe

Though he faces severe budget constraints and rising academic demands, Kerr concluded that restorative justice "may solve all the other problems, by creating a disciplinary policy where students feel that they always have a voice in the process, whether they committed a crime or were the victim of a crime."

His faith in the new approach is based in part on the results documented in a growing number of school districts across the country. In 1994 the Minnesota Department of Education was the first to embrace restorative justice. At least two rigorous evaluations—one published by the department in 2001, and another this year at the University of Minnesota—found that these practices increased both the safety and academic performance of schools.

In the Bay Area, three researchers at the University of California-Berkeley's School of Law studied the impact of restorative practices at Cole Middle School, a predominantly minority and low-income school in West Oakland. Their December 2010 study found that suspensions dropped 87 percent. Both students and teachers reported that the program made the school "more peaceful, with fewer fights among students and better behavior in the classroom, relative to earlier years."

Minnesota has been a success – suspensions and violent referrals are down

monika **alvis**, May 15, 2015, The College at Brockport, State University of New York, "Teachers' Perceptions About Using Restorative Practice Based Programs in Schools",

http://digitalcommons.brockport.edu/cgi/viewcontent.cgi?article=1006&context=edc_capstone

In Minnesota, state and federal money was used to create the Minnesota Restorative Justice Project to help school districts implement effective violence prevention programs (Karp, 2001). Preliminary findings from this program suggested a 27 % reduction in suspensions and expulsions in schools that implemented the program. Furthermore, referrals for violent behaviors decreased by half (Karp, 2001). Additionally, Stinchcomb, Bazemore, & Riestenberg (2006), found that in one Minnesota school district, behavior referrals for physical aggression in one elementary school were reduced from 773 to 153, suspensions in the junior high school reduced from 110-55, and in senior high school suspensions dropped from 132 to 95.

Denver proves Restorative Justice works. Suspension rates go down; the discipline gap shrinks, and test scores and graduation rates go up.

Carly **Berwick**, March 17, 2015, The Atlantic, "Zeroing out Zero Tolerance",

<https://www.theatlantic.com/education/archive/2015/03/zeroing-out-zero-tolerance/388003/>

The restorative approach is already well-established in some parts of the country—and outcomes suggest that it's working. After Denver Public Schools, for example, implemented a district-wide "restorative justice program" in the early 2000s, suspension rates were cut in half over seven years and the discipline gap between African American and white students shrunk by a third, according to a study conducted by the Occidental professor Thalia Gonzalez and published in the new book *Closing the School Discipline Gap*.

Denver's initiative was comprehensive; personnel from district staff to teachers trained in how to use a variety of restorative techniques depending on the situation, such as one-on-one talks and group conferences. Gonzalez describes one incident in which several freshmen football players decided to throw each other in dumpsters and then grabbed unwilling students to toss in as well. Instead of suspending the students, the school held a conference involving all parties, with the offenders owning up to the harm they had done and school personnel admitting that their supervision had been lax. The players volunteered in the end to miss the homecoming game and to apologize to the entire school. The goal was to get students to reflect on the effect their actions had on others and correct them, rather to simply ostracize the miscreants. After a decade of using restorative justice, standardized test scores in Denver's schools have gone up, as have graduation rates.



ANSWER TO: SCHOOL SAFETY DA

The affirmative refutes the thesis of the disadvantage. The negative focus on safety is part of the hyper-criminalization of youth. Schools are now considered sites of crime and their students criminals. Our "Enemies Within" advantage is a direct answer to the DA.

Henry A. Giroux, 2010, jac, "Locked Up: The Youth Crime Complex and Education in America", Vol. 30, No. ½, p. 32-33

Once seen as an invaluable public good and laboratory for critical learning and engaged citizenship, public schools are increasingly viewed as sites of crime, warehouses, or containment centers. Consequently, students are also reconceived through the optic of crime as populations to be managed and controlled primarily by security forces. In accordance with this perception of students as potential criminals and the school as a site of disorder and delinquency, schools across the country since the 1980s have implemented zero tolerance policies that involve the automatic imposition of severe penalties for first offenses of a wide range of undesirable, but often harmless, behaviors (see Robbins; see also Ayers, Dohrn, and Ayers; Giroux, Abandoned). Based on the assumption that schools are rife with crime and fueled by the emergence of a number of state and federal laws such as the Gun-Free Schools Act of 1994, mandatory sentencing legislation, and the popular "three strikes and you're out" policy, many educators first invoked zero tolerance rules against kids who brought firearms to schools - this was exacerbated by the high profile school shootings in the mid-1990s. But as the climate of fear increased, the assumption that schools were dealing with a new breed of student - violent, amoral, and apathetic - began to take hold in the public imagination. Moreover, as school safety become a top educational priority, zero tolerance policies were broadened and now include a range of behavioral infractions that encompass everything from possessing drugs or weapons to threatening other students - all broadly conceived. Under zero tolerance policies, forms of punishments that were once applied to adults now apply to first graders. Students who violate what appears to be the most minor rules - such as a dress code violation - are increasingly subjected to zero tolerance laws that have a disparate impact on students of color, while being needlessly punitive.



ANSWER TO: SCHOOL SAFETY DA

The negatives fear is part of the new security culture, that turns schools into learning prisons

Henry A. **Giroux**, 2010, jac, "Locked Up: The Youth Crime Complex and Education in America", Vol. 30, No. ½, p. 37

Under such circumstances, schools begin to take on the obscene and violent contours one associates with maximum security prisons: unannounced locker searches, armed police patrolling the corridors, mandatory drug testing, and the ever present phalanx of lock down security devices such as metal detectors, X-ray machines, surveillance cameras, and other technologies of fear and control. Appreciated less for their capacity to be educated than for the threat they pose to adults, students are now treated as if they were inmates, often humiliated, detained, searched, and in some cases arrested. Randall Beger is right in suggesting that the new "security culture in public schools [has] turned them into 'learning prisons' where the students unwittingly become 'guinea pigs' to test the latest security devices" (120).

Internal Link Turn - Suspensions have long-term education and economic impact on students

E. Christi **Cunningham**, Professor of Law & Director, Education Rights Center, Howard University & Aderson Bellegarde **François**, Professor of Law & Supervising Attorney, Civil Rights Clinic, Howard University, Nov 2, 2015, Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit, "Brief for the Civil Rights Clinic and the Education Rights Center at Howard University School of Law as Amici Curiae in Support of Respondents", Fisher v. Texas, p. 16-17

Discipline practices in schools affect the social quality of the educational environment, and the ability of children to achieve the academic and social gains essential for success in a 21st century society. Loss of classroom instruction time damages student performance. One recent study found that missing three days of school in a month before taking the National Assessment of Educational Progress translated into fourth graders scoring a full grade level lower in reading on this test. New research shows that higher suspension rates are closely correlated with higher dropout and delinquent rates, having tremendous economic costs for the suspended students as well as for society as a whole.



ANSWER TO: SCHOOL SAFETY DA

Fear of Crime logic targets Youth of color specifically; they are treated as super-predators in our schools

Maisha T. **Winn** & Nadia **Behizadeh**, May 2011, professors at Emory, Review of Research in Education, "The Right to Be Literate: Literacy, Education, and the School-to-Prison Pipeline", Vol 35, p. 153

Another component in the discourse of deficiency is the media portrayals that contribute to perceptions of youth as violent, dangerous, and in need of management (Meiners, 2007; Rapping, 2003). Specifically, Meiners (2007) suggests that television and media portray youth as the "super predator," while "disproportionately using images of street crime that highlight African- Americans or Latinos as perpetrators" (p. 83). Dorfman and Schiraldi (2001) corroborate this claim with their meta- synthesis of social science research highlighting how the media portrayal is "off balance" in the overemphasis on youth committing crime, youth of color in particular. This means that teachers who watch the news and see young people of color constantly represented as violent, lawless criminals may internalize this image and have lower expectations for their students of color in terms of their behavior. A vicious cycle can develop where teachers expect students of color to misbehave, focus on order in the classroom rather than academic rigor, discipline students of color more severely, and, in short, deny students the academic tools they need to be successful.

Internal Link Turn – The plan is productive for the economy. School to prison pipeline is economically crushing

Joan **Vestrand**, associate dean of Western Michigan University-Cooley Law School, January/February, 2017, Federal Lawyer, "A BETTER WAY: Empowering Youth to Build Character and Community in Our Schools", 64-FEB Fed. Law. 62, p. 63

And then there is the fiscal hit we take as a nation for every drop-out. Each year's class of dropouts drains the country of more than \$200 billion annually in lost earnings and taxes. Billions more are spent on welfare, health care and other social services that flow from the problem. Prison costs are an example. In Michigan, for the year 2013, we spent approximately \$40,000 per prisoner annually, compared to about \$8,000 per student. Clearly, it is much less costly and better for society to keep a student in school--to find a better way to address behavioral issues.



ANSWER TO: EXCLUSIONARY DISCIPLINE CP

Exclusionary discipline does more harm than good to students.

Mary Schmid **Mergler**, Karla M. **Vargas** & Caroline **Caldwell**, Oct 2014, The Phi Delta Kappan, "Alternative discipline can: benefit learning", Vol. 96, No. 2, p. 26

Exclusionary discipline, including suspension and expulsions, are commonplace in schools throughout the United States. National data show that in recent decades suspensions increased from 1.7 million in 1974 to more than 3.3 million in 2006. Such exclusionary discipline practices are aligned with zero-tolerance policies and attempt to promote school safety and student accountability. A groundbreaking 2011 report, *Breaking Schools' Rules* (Fabelo et al., 2011) by the Council of State Governments Justice Center (CSG) explains that there is no evidence proving that these policies lead to safer schools. In contrast, the report conclusively shows that exclusionary discipline practices do more harm than good to students.

Breaking School Rules is a comprehensive report that not only highlights the increased reliance on exclusionary discipline nationwide but specifically studies the effects of these practices on Texas students. The Texas public school system - the second largest in the nation - reflects the changing demographics of school districts across the country. CSG examined data for three cohorts of students, following those students from grade 7 through the year after 12th grade, and tracking the types of disciplinary referrals that these students experienced along with their educational outcomes. The data analysis demonstrated that Texas students who experienced some form of exclusionary discipline were much less likely to experience academic success and were much more likely to have contact with the juvenile justice system.

Specifically, the CSG report showed that 59.6% of all Texas public school students experienced some form of exclusionary discipline during middle and high school. Furthermore, 31% of students with at least one suspension or expulsion repeated their grade level, compared to only 5% of students with no disciplinary involvement. Moreover, exclusionary discipline was rarely a one-time event for these students. The report found that "half of all students who received [a suspension or expulsion] were involved in at least four disciplinary incidents, and the average amount of incidents per student was eight" (Fabelo et al., 2011, p. 37). The high number of repeat incidents after an expulsion or suspension calls into question the effectiveness of these policies, and it illustrates the extent to which some students are repeatedly removed from the classroom. Additionally, the more often a student experienced exclusionary discipline, the less likely that student was to graduate. Almost 60% of those who were disciplined more than 10 times failed to graduate from high school during the study period, compared to about 18% of students with no disciplinary violations (Fabelo et al., 2011).

Link Turn - Exclusionary discipline practices make the school less safe

Ruth **Cusick**, et al. March 10, 2017, *A.M. v Holmes*, Brief of Amici Curiae, Supreme Court of the United States, p. 21

Furthermore, not only do exclusionary discipline and arrests negatively affect individual students, but they also negatively impact the entire school community. Studies show the direct effect of exclusionary discipline on student outcomes: excessive use of exclusionary discipline is linked with rapid decline in reading and math achievement on a schoolwide basis, even after adjusting for a school's overall level of violence and disorganization. See, e.g., Prudence Carter et al., *Discipline Disparities Series: Overview 1* (2014) (finding that frequent use of disciplinary removal from school is associated with negative student outcomes, including lower academic achievement). Reliance on punitive, criminally based approaches to behavior management can also lead to less overall school safety. See Joseph B. Ryan et al., *Reducing Seclusion Timeout and Restraint Procedures with At-Risk Youth*, 13 *J. At-Risk Issues* 1, 12 (2007); Ramon Lewis, *Classroom Discipline and Student Responsibility: The Students' View*, 17 *Teaching & Tchr. Educ.* 307, 315 (2001). Thus, arresting students not only hurts their educational and vocational prospects, but also makes schools less safe.



ANSWER TO: EXCLUSIONARY DISCIPLINE CP

Exclusionary discipline is racialized. Racial stereotypes result in harsh discipline which disproportionately removes youth of color from school.

Robin DiAngelo, 2012, Counterpoints, "WHAT DOES IT MEAN to BE WHITE? Developing White Racial Literacy", Vol. 398, p. 98-99

Specifically, the criminal justice system contributes to the STPP through criminalization of truancy and zero-tolerance policies; public misperceptions based on racial stereotypes that cause the demand for ever harsher penalties at ever younger ages; the racial biases of police officers and judges; historical poverty, which makes it more likely that people of color will need to depend on public defenders; and district attorneys and public defenders who work together to encourage youth to take plea bargains that ensure they will have CORIs (Criminal Offender Records Information).

A report released by the Rennie Center for Education Research & Policy (2011) found that excessive disciplinary action for non-violent offenses, such as tardiness and truancy, exacerbates the dropout rate. Testimony indicated that students already behind in school are often forced to miss additional days through suspensions, which leads to a loss of credits and an inability to catch up. Out-of-school suspension is the most frequently used form of disciplinary removal. Particular segments of the student population (low-income, special education, male, black, Hispanic) are removed at disproportionately.

The discipline gap is responsible for the achievement gap

Derek W. Black, Professor of Law at the University of South Carolina, Sept 30, 2016, Alternet, "Here's Why a Zero-Tolerance Policy in Our Schools Is a Terrible Idea", <http://www.alternet.org/books/heres-why-zero-tolerance-policy-our-schools-terrible-idea>

These discipline disparities, in no small part, also contribute to a lingering achievement gap between African Americans and whites. With African Americans disproportionately removed from the learning environment, they are necessarily academically disadvantaged. As the Harvard Civil Rights Project bluntly puts it, "we will close the racial achievement gap only when we also address the school discipline gap."



ANSWER TO: SEX OFFENSES CP

Restorative justice is empirically successful in rape cases because it requires admitting guilt as a precursor which encourages survivor healing and offender responsibility

Katherine **van Wormer**, April 2009, Social Work, "Restorative Justice as Social Justice for Victims of Gendered Violence: A Standpoint Feminist Perspective", Vol. 54, No. 2, p. 112

Rozee and Koss (2001) and Hopkins and Koss (2005) criticized the handling and outcomes of acquaintance rape at every level of the criminal justice system from police officer's treatment to the prosecutor's reluctance to take the case to court not to mention hostile cross-examination should the case go to trial. Racial and ethnic differences between state officials and the victim compounded the lack of consideration and respect for women of color. In addition, as Rozee and Koss (2001) suggested, adversarial justice is experienced as "white imposed" (p. 306). African American and Latina women, therefore, may avoid seeking help from the criminal justice system. Another inhibiting factor is that women of color may fear they will be criticized for turning on members of their race or ethnicity and for subjecting them to a system with a history of racism and brutal treatment of minorities. Conferencing can offer a better option for such victims because in conferencing the starting point is the admitted guilt by the perpetrator (Daly & Stubbs, 2006). The victim-survivor is not placed on the defensive, therefore. Rozee and Koss (2001) described a successful project at the University of Arizona for handling acquaintance rape situations. Drawing on community conferencing principles and operating outside of the public eye, this project strived to redress the harm to the victim—survivor while sanctioning the offender for his bad behavior. Conferences are led by a facilitator, often a mental health professional, who has been trained in restorative justice strategies. As long as there is no re-offense, the facts of the case are sealed. As indicated by Rozee and Koss (2001), advantages of this format are as follows: strengthening of community trust; empowerment of the victim survivor; release of legal authorities from pressure to take action under difficult circumstances; provision of a forum for volunteer advocates to offer antirape messages; and impact on the student offender who is forced to take responsibility for his behavior.

Restorative justice empowers victims of gender violence by giving them a voice

Clare **McGlynn**, Winter 2011, Oxford Journal of Legal Studies, "Feminism, Rape and the Search for Justice", Vol. 31, No. 4, p. 827-828

Having a voice and being heard were key motivations behind victims' decisions to engage with the programme, even for those who had been given the opportunity to participate in their criminal cases.⁶ Miller states that participation in WH gave victims 'the very thing that had eluded them in the criminal justice system: a voice'. Furthermore, victims wanted offenders, 'visibly and publicly', to 'acknowledge the consequences of their actions', as well as wishing to 'give the offenders the emotional baggage they had been carrying all these years'. Miller reports that the 'restorative success for victims is crystal clear' and the benefits were long-lasting. The whole process, including the many meetings with the facilitator, letter exchanges and the face to face dialogue, was 'transformative, empowering and cathartic and brought [the victims] a sense of peace'. It did not necessarily bring 'closure', but 'facilitated forward movement'. Victims felt 'empowerment' and a restored 'sense of self-control and autonomy'. Furthermore, Miller suggests that the dialogues gave victims back their power: the 'asymmetry of power that was present during the crime and the case processing was reconfigured'. This was particularly important in the cases of gendered violence where victims 'sought empowerment over people and situations over which they had previously had no power'. Nonetheless, where the victims and offenders were strangers prior to the offence, the outcomes 'were more positive'. In these cases, the victims were also most likely to receive unconditional support from families and friends. Offenders who knew their victims did accept responsibility, but 'their contrition rang a little hollow'. The victims still emerged from the programme 'empowered', Miller notes, but these sexual offenders continued to minimize and rationalize their offending.



ANSWER TO: SEX OFFENSES CP

Restorative justice would be effective for gender violence in schools because community education is essential. We need communities in schools to say this type of violence is unacceptable

Tierney **Sneed**, March 5, **2015**, US News & World Report, “High Schools and Middle Schools Are Failing Victims of Sexual Assault”, <https://www.usnews.com/news/articles/2015/03/05/high-schools-and-middle-schools-are-failing-victims-of-sexual-assault>

When schools do adopt awareness programs, evidence shows the education is extremely effective. Kentucky’s Green Dot program has led to a 48 percent reduction in sexual violence in schools that utilize it, as well as drops in bullying, sexual harassment, dating violence and stalking.

The program provides a general education for all high school students, faculty and staff, and then a small pool of students – identified and selected by educators because they are formal or informal leaders among the student body – receive a more extensive training that includes bystander intervention methods.

“We want the social diffusion, so you get these leaders that have a much more in-depth piece and they’re spreading that with the idea of changing social norms,” says Rhonda Henry, director of the University of Kentucky Violence Intervention and Protection Center, which leads the training sessions. “Within their groups of peers they are able to have that influence – how to get them to see situations differently, and basically come from a place that [sexual assault] isn’t OK.”

Permutation: Let the victim choose between restorative justice and exclusionary discipline

Restorative Justice International, Dec 16, **2013**, “Restorative Justice for Sexual Assaults? Let the Victim Decide”, <http://www.restorativejusticeinternational.com/2013/restorative-justice-for-sexual-assaults-let-the-victim-decide/>

It is our opinion at RJI that crime victims should have the right to restorative justice—no matter the crime. This should apply to victims of sexual assault. Some have said that there runs the risk of “re-victimizing” victims of such abuse. However, it is our belief that victims are empowered through restorative justice processes. Victims should have the choice to participate in restorative justice or choose not to participate—at that time. As this article points out often cases of sexual assault go unreported or the offender is never caught. Certainly restorative justice processes that urge offender accountability (i.e. taking responsibility for the crime committed) can only empower victims of abuse.



ANSWER TO: SEX OFFENSES CP

Restorative justice works for juvenile sexual offenses. The circle process minimizes risk to society and holds the offender accountable

Anne-Marie **McAlinden, 2008**, *Sexual Offender Treatment, "Restorative Justice as a Response to Sexual Offending – Addressing the Failings of Current Punitive Approaches"*, Volume 3, Issue 1, http://www.sexual-offender-treatment.org/1-2008_03.html

Although the use of restorative schemes with sexual offences is at present far from widespread, a few isolated initiatives have developed which are based on reintegrative or restorative principles. In South Australia, for example, young people charged with sexual offences, who admit their behaviour, are diverted from court processes and instead participate in a family conference (Daly, 2006). Recently, the 'family decision making model' in Australia and North Carolina has also used a conference-style process with children and families affected by child sexual abuse and domestic violence, although usually the offender is excluded from this process (Pennell & Burford, 2001; Pennell, 2006). In Arizona, the RESTORE programme is using restorative justice to address date and acquaintance rape by first time adult offenders and those charged with misdemeanour sexual offences in a collaborative programme between Pima County Attorney's Office, the Southern Arizona Center Against Sexual Assault, and the College of Public Health, University of Arizona (Koss et al, 2003). One of the most established programmes, however, is perhaps circles of support and accountability. Circle programmes have been used in Canada for more than 10 years to deal with the reintegration of selected high risk sex offenders at the end of their custodial sentence (Cesaroni, 2001; Petrunik, 2002; Wilson et al, 2002). More recently, circles have been extended to other jurisdictions such as Northern Ireland and England and Wales on a pilot basis. Here they have been used to support the work of the police, the probation service and other agencies in the multi-agency approach to sex offender risk management. At a broad level, these schemes involve the development of restorative support and treatment networks for sex offenders where the community works in partnership with the offender and professional agencies. The use of community resources is, therefore, considerably greater than in the two main models of mediation and conferencing.

Circles are based on the twin philosophies of safety and support concerning reintegration – they operate as a means of addressing public concerns and also the offender's needs. The circle is focused on the development of a network of informal support and treatment individually tailored around the offender, who is the core member, involving the wider community in tandem with state and voluntary agencies. The offender and other members of the circle enter into a signed covenant which specifies each member's area of assistance. The scheme provides high levels of support, guidance and supervision for the offender, which can mediate between the police, media and the local community to minimise risk and assist with reintegration. The offender agrees to relate to the circle of support, pursue treatment and to act responsibly in the community. The offender has contact with someone from the circle each day in the high risk phase just after release. The life of a circle extends as long as the risk to the community and the offender are above average (McAlinden, 2005). Circles aim to allay the fears of the local community, and at the same time, reduce the likelihood of further offending by holding the offender accountable to their commitment not to re-offend. To this end, early evaluations have produced positive results.



ANSWER TO: KRITIKS (ANY) – REFORMS GOOD

Perm – It’s about how the reforms are accomplished, but it’s NOT about excluding reforms

Michelle Alexander, 2010, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*,
<https://peacelawandjustice.files.wordpress.com/2013/12/newjimcrow-ch-1.pdf>

The foregoing should not be read as a call for movement building to the exclusion of reform work. To the contrary, reform work is the work of movement building, provided that it is done consciously as movement-building work. If all the reforms mentioned above were actually adopted, a radical transformation in our society would have taken place. The relevant question is not whether to engage in reform work, but how. There is no shortage of worthy reform efforts and goals. Differences of opinion are inevitable about which reforms are most important and in what order of priority they should be pursued. These debates are worthwhile, but it is critical to keep in mind that the question of how we do reform work is even more important than the specific reforms we seek. If the way we pursue reforms does not contribute to the building of a movement to dismantle the system of mass incarceration, and if our advocacy does not upset the prevailing public consensus that supports the new caste system, none of the reforms, even if won, will successfully disrupt the nation’s racial equilibrium. Challenges to the system will be easily absorbed or deflected, and the accommodations made will serve primarily to legitimate the system, not undermine it. We run the risk of winning isolated battles but losing the larger war.

We fiat the plan because the first step to change is to reimagine imagination. We don’t envision a status quo world where the plan passes. We envision a world that can make good for youth and new modes for politics and education.

Henry A. Giroux, 2010, *jac*, “Locked Up: The Youth Crime Complex and Education in America”, Vol. 30, No. ½, p. 41-42

Such a task is formidable - all the more so in a culture that disparages the patriotism of critically engaged citizens who reject inhabiting the role of either soldiers in the service of empire or consumers eager to boost the profits of corporate elites. But a society that provides a level playing field for all children and youth, a society in which matters of equality and justice trump the needs of markets and a rationality of hyper self-interest, will not create itself. As Lawrence Grossberg has argued, a first step requires educators and others "to reimagine imagination itself - not only visions of an alternative future, but also new languages of possibility and new understandings of an act of envisioning a better future" (308). It is difficult to imagine what it means to fight for the rights of children if we cannot at the same time imagine a different conception of the future, one vastly at odds with a present that can only portend a future as a repeat of itself. But living in the shadow of a vicious realignment of a punishing state and a ruthless mode of economic Darwinism also demands more than a commitment to justice, democratic values, and hope: it necessitates the hard work of building social movements willing to push dominant relations of power over the tipping point in order to make good for children the promise of a real democracy. Within this current moment of uncertainty and possibility, it is necessary for educators, artists, intellectuals, and others to raise questions and develop rigorous modes of analyses in order to explain how a culture of domestic militarization, with its policies of containment and brutalization, has been able to develop and gain consent from so many people in the United States during the last three decades. And, most importantly, such a challenge suggests rethinking the possibility of a new mode of politics and empowering forms of education (especially in light of the Obama victory) that work and struggle vigorously for a social order willing to expand and strengthen the ideals and social relations of a more just society, one in which a future of hope and imagination is inextricably connected to the fate of all young people, if not democracy itself.



ANSWER TO: KRITIKS (ANY) – POLICY MAKING GOOD

Prefer a policy approach grounded in concrete change – their rejection of state frameworks devolve into endless critique without any concrete action

Levi Bryant, Nov 11, 2012, "Critique of the Academic Left", google

Unfortunately, the academic left falls prey to its own form of abstraction. It's good at carrying out critiques that denounce various social formations, yet very poor at proposing any sort of realistic constructions of alternatives. This because it thinks abstractly in its own way, ignoring how networks, assemblages, structures, or regimes of attraction would have to be remade to create a workable alternative. Here I'm reminded by the "underpants gnomes" depicted in South Park: The underpants gnomes have a plan for achieving profit that goes like this: Phase 1: Collect Underpants Phase 2: ? Phase 3: Profit! They even have a catchy song to go with their work: Well this is sadly how it often is with the academic left. Our plan seems to be as follows: Phase 1: Ultra-Radical Critique Phase 2: ? Phase 3: Revolution and complete social transformation! Our problem is that we seem perpetually stuck at phase 1 without ever explaining what is to be done at phase 2. Often the critiques articulated at phase 1 are right, but there are nonetheless all sorts of problems with those critiques nonetheless. In order to reach phase 3, we have to produce new collectives. In order for new collectives to be produced, people need to be able to hear and understand the critiques developed at phase 1. Yet this is where everything begins to fall apart. Even though these critiques are often right, we express them in ways that only an academic with a PhD in critical theory and post-structural theory can understand.

Endless critique will not solve the problems of the 6 billion people on the planet

Levi Bryant, Nov 11, 2012, "Critique of the Academic Left", google

Our most serious shortcomings are to be found at phase 2. We almost never make concrete proposals for how things ought to be restructured, for what new material infrastructures and semiotic fields need to be produced, and when we do, our critique-intoxicated cynics and skeptics immediately jump in with an analysis of all the ways in which these things contain dirty secrets, ugly motives, and are doomed to fail. How, I wonder, are we to do anything at all when we have no concrete proposals? We live on a planet of 6 billion people. These 6 billion people are dependent on a certain network of production and distribution to meet the needs of their consumption. That network of production and distribution does involve the extraction of resources, the production of food, the maintenance of paths of transit and communication, the disposal of waste, the building of shelters, the distribution of medicines, etc., etc., etc. What are your proposals? How will you meet these problems? How will you navigate the existing mediations or semiotic and material features of infrastructure?



ANSWER TO: PUSHOUT KRITIK

Turn - Restorative Justice is effective for girls of color

Ruth **Jeannoel**, June 11, 2015, The Guardian, "The school-to-prison pipeline affects girls of color, but reform efforts pass them by", <https://www.theguardian.com/commentisfree/2015/jun/11/school-prison-pipeline-girls-of-color-reform>

When girls cry for help, both explicitly and implicitly through misbehavior, school officials should immediately engage them. This is a great opportunity to build relationships with students, helping them see the harm that was caused and teaching them how to address their problems. This simple solution is known as restorative justice, a non-punitive way of addressing conflict and building relationships that shifts the culture of our schools and hold not only students, but public officials and teachers accountable.

In addition to restorative justice, the aforementioned AAPF report also outlines interventions to address the various challenges facing girls of color, including: developing programs that identify signs of sexual victimization; advancing programs that support girls who are pregnant, parenting or otherwise assuming significant familial responsibilities and improving data collection to better track discipline and achievement by race/ethnicity and gender for all groups.

Discipline is disproportionately applied to Black girls and boys. The plan is necessary for both.

E. Christi **Cunningham**, & Aderson Bellegarde **François**, Nov 2, 2015, Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit, "Brief for the Civil Rights Clinic and the Education Rights Center at Howard University School of Law as Amici Curiae in Support of Respondents", Fisher v. Texas, p. 17-19

In K-12 schools throughout the U.S., discipline is disproportionately applied to young Black boys and girls. Research has shown that, typically, the highest suspension rates are for Black males, followed by Black females and/or Latino males. In regards to suspension rates for students with disabilities at the secondary level, Black males are at the highest risk for suspension at 33.8%, while Black females with disabilities are suspended at 22.5%, which is higher than white males with disabilities at both the elementary and secondary level.

Unfortunately, the national rates for suspensions by race at the secondary level show a darker picture. Black males face the greatest risk for suspension at 28.4%, which is 19 points higher than that of white males at 9.4%. Meanwhile, Black females suffer the second highest suspension rate at 17.9%, compared to white females' suspension rate of 3.8% - higher than all other females and higher than all male subgroups, except Black males. Overall, Black students receive more harsh punitive measures (suspension, expulsion, corporal punishment) and less mild discipline than their non-minority peers for the very same conduct, even when controlling for socioeconomic status.

These appalling racial disparities in school discipline at the elementary and secondary level start in the earliest years of schooling. In May 2014, the U.S. Department of Education's Office for Civil Rights studied data from every one of the nation's 97,000 public schools. Among the key and most startling findings is that Black students represent 18% of preschool enrollment but 42% of pre-school students suspended once, and 48% of the pre-school students suspended more than once. On the other hand, white children represent 43% of preschool enrollments, but 28% of preschool children suspended once and 26% of preschool children suspended more than once. The report noted:

[P]articular concern around discipline for our nation's young men and boys of color, who are disproportionately affected by suspensions and zero-tolerance policies in schools. Suspended students are less likely to graduate on time and more likely to be suspended again. They are also more likely to repeat a grade, drop out, and become involved in the juvenile justice system.



Pipeline Aff
JV Pack 2017-2018

ANSWER TO: PUSHOUT KRITIK

The aff is the solution to pushout. We need an education strategy that makes sure Black girls aren't left behind; the aff is one such strategy.

Monique W. **Morris, 2016**, Founder and President of the National Black Women's Justice Institute, "Pushout: the criminalization of Black girls in schools"

The purpose of this book is to interrogate the racial and gender inequality that still prevails in education more than sixty years after *Brown v. Board of Education*. In setting forth some truths that have heretofore been ignored or obscured, my aim is to chart a new path and advocate for efforts that move beyond the "deliberate speed" rhetoric that has for too long underserved low-income girls of color, Black girls in particular. The central argument of this book is that too many Black girls are being criminalized (and physically and mentally harmed) by beliefs, policies, and actions that degrade and marginalize both their learning and their humanity, leading to conditions that push them out of schools and render them vulnerable to even more harm. We can counter the criminalization of Black girls in schools by first understanding what their criminalization looks like, and then by building a common language and framework for making sure that struggling Black girls are not left behind. We can all get behind a fair and effective education strategy that provides a quality education for every young person.



ANSWER TO: ANTIBLACKNESS K

Restorative Justice is based on an Afrocentric model of community

Lynne **Hamer**, Morris **Jenkins** & Bradene **Moore**, May 2013, *Journal of Black Studies*, "Toward a Cultural Framework for Dialogue About Justice", Vol. 44, No. 4, p. 361.

The Eurocentric explanations to social problems and criminality tend to support an individualistic approach to crime. In this individualistic approach "[s]tate-based tribunal decisions often follow the 'winner takes all approach,' which goes against the principles and values of the African *jus tice* system" (Elechi, Morris, & Schauer, 2010, p. 78). Afrocentric explanations do not focus on the same individualistic objectives and goals as Eurocentric thinking does; rather, Afrocentric theories privilege communal objectives and goals, and "African-centered psychologists have contested the universality of Eurocentric theory and practice for working with persons of African descent, and they acknowledge the diversity of the cultural experience and its effect on psychological functioning" (Cokley & Williams, 2005, p. 828). As Asante (2006) explains, "What matters to [the Black community] is the ability to write [its] own story and to cooperatively set the terms of [its] engagement with the larger White and often dominating seeking world" (p. 657). Elechi (1996), Elechi (1999), Elechi et al. (2010), Jenkins (2004b) and Jenkins (2006) argue that restorative justice has its roots in the principles of Afrocentric theory and demonstrate how Black cultures in both Africa and the United States use the principle to resolve many disputes. The Afrocentric approach differs from current Eurocentric restorative justice approaches in three major ways. First, the explanation for the "crime" is viewed from an African-centered perspective. Crime is not a violation of a state rule but a disruption of the spiritual harmony of the community. Whereas a Eurocentric restorative justice approach would assume that the individual is in need of rehabilitation to conform to Eurocentric standards, the Afrocentric perspective does not assume that the Eurocentric standard is the proper "rehabilitative objective." The primary goal is the liberation of the community through emancipatory knowledge of all community members. Second, priority is given to the community rather than the individuals involved in the dispute: The Afrocentric perspective is more communal than individualistic. Third, the Afrocentric perspective emphasizes the spiritual as the main source of knowledge, so that morals and justice supersede the law (Elechi et al., 2010). Clearly retributive justice and restorative justice are based on entirely different worldviews of what justice is, and these views are aligned with the dominant culture system based in Eurocentric philosophy and an alternative system based in Afrocentric philosophy. These frameworks can be used to bring order to multiple descriptive understandings of what *jus tice* is in each realm and some basic principles on which to build dialogue and to engage all citizens.



ANSWER TO: DESCHOOLING CP/K

Permutation – Do both. The affirmative is an applied Critical Pedagogy designed to empower learners as agents in the school

Sanja **Varbelow**, June 6, 2012, “Deschooling Society: Re-Examining Ivan Illich’s Contributions to Critical Pedagogy for 21st Century Curriculum Theory,” Education Resources Information Center, <http://files.eric.ed.gov/fulltext/ED532618.pdf>

When Illich calls upon the “educators brought up in school” as the leaders to deschool society, it appears that he actually refers to those who, not because of but despite of school, understand its deficiencies. If this were so, he would make an argument for the deinstitutionalization of society and against Critical Pedagogy thereby following his original logic. One of the most important points Illich (1971) makes is that it is the “transfer of responsibility from self to institution” that guarantees social regression (p. 39). Here he seems to agree with Hegel who says that the ultimate goal of education is the freedom of the individual which includes his in/dependence on institutions. By freedom I believe Hegel means the ability to make the conscious decision to be part of or to distance oneself from an institution. However, in order to make that decision, one has to have undergone the contradictions and conflicts during which one discovers oneself. It is these contradictions and conflicts that are one’s impetus and which will be integrated to reach a higher level. Based on that, Hegel would think the purpose of school is to discover oneself (Hegel, 1841). The goal then should not be to deinstitutionalize society thereby removing all conflicts arising through the demagoguery of schools, but to enable learners to see the institution for what it is. If they understand it as a manipulative mechanism whose goal it is to create compliant citizen who do not raise questions regarding ethics, epistemology, or metaphysics but instead further the influence of the dominant class by advancing its economic strength, learners should be empowered to devise strategies to change that. However, this cannot be done by deschooling society but only through applied Critical Pedagogy which affords learners to understand what it means to be a critical agent.



ANSWER TO: DESCHOOLING CP/K

Eliminating schools would wreak havoc on the social fabric of the US, but reformism can enact genuine changes in social relations

Herbert Gintis, 1972, "Towards a Political Economy of Education: A Radical Critique of Ivan Illich 's Deschooling Society," Harvard Educational Review, February,
<http://hepgjournals.org/doi/pdf/10.17763/haer.42.1.h2m4644728146775>

I have already argued that de-schooling will inevitably lead to a situation of social chaos, but probably not to a serious mass movement toward constructive social change. In this case the correspondence principle simply fails to hold, producing at best a temporary (in case the ruling elites can find an alternative mode of worker socialization) or ultimately fatal (in case they cannot) breakdown in the social fabric. But only if we posit some essential pre-social human nature on which individuals draw when normal paths of individual development are abolished, might this lead in itself to liberating alternatives. But the argument over the sufficiency of de-schooling is nearly irrelevant. For schools are so important to the reproduction of capitalist society that they are unlikely to crumble under any but the most massive political onslaughts. "Each of us," says Illich, "is personally responsible for his or her own de-schooling, and only we have the power to do it." This is not true. Schooling is legally obligatory, and is the major means of access to welfare-relevant activity contexts. The political consciousness behind a frontal attack on institutionalized education would necessarily spill over to attacks on other major institutions. "The risks of a revolt against school," says Illich, . . . are unforeseeable, but they are not as horrible as those of a revolution starting in any other major institution. School is not yet organized for self-protection as effectively as a nation-state, or even a large corporation. Liberation from the grip of schools could be bloodless. (DS, p. 49) This is no more than whistling in the dark. The only presently viable political strategy in education—and the precise negation of Illich's recommendations—is what Rudi Deutchke terms "the long march through the institutions," involving localized struggles for what Andre Gorz calls "non-reformist reforms," i.e., reforms which effectively strengthen the power of teachers vis-a-vis administrators, and of students vis-a-vis teachers. Still, although schools neither can nor should be eliminated, the social relations of education can be altered through genuine struggle. Moreover, the experience of both struggle and control prepares the student for a future of political activity in factory and office. In other words, the correct immediate political goal is the nurturing of individuals both liberated (i.e., demanding control over their lives and outlets for their creative activities and relationships) and politically aware of the true nature of their misalignment with the larger society. There may indeed be a bloodless solution to the problem of revolution, but certainly none more simple than this.



ANSWER TO: TOPICALITY – INCREASE

1. The aff increases funding and regulations – we fund a grant for restorative justice which is a clear increase. The increased regulation of the grant requires school districts to prove they are minimizing suspensions and expulsions. The aff plan is an on face increase.
2. We meet – there are restorative justice programs in several school districts now. The affirmative builds on the number of restorative justice programs in the status quo.
3. There’s no abuse. We aren’t avoiding debate with the negative so competitive equity isn’t a reason to vote neg. If there’s no strategic advantages, err affirmative on the side of encouraging debate.
4. Definitionally, the neg is wrong:

A. “Increase” doesn’t require preexistence

Words and Phrases 8 (Words and Phrases Permanent Edition, “Increase,” Volume 20B, p. 263-267 March 2008, Thomson West)

Wahs. 1942. The granting of compensation to any officer after he has commenced to serve the term for which he has been chosen, when no compensation was provided by law before he assumed the duties of his office, is an “increase” in salary or compensation within the constitutional provision prohibiting an increase of the compensation of a public officer during his term of office. Const. art, 2, 25; art. 11, 8. – State ex rel. Jaspers v. West 125 P.2d 694, 13 Wash.2d 514. Offic 100(1).

B. One can increase from zero

Words and Phrases 7 (Cumulative Supplementary Pamphlet, 2007 vol. 20a, 07, 76)

Increase: Salary change of from zero to \$12,000 and \$1,200 annually for mayor and councilmen respectively was an “increase” in salary and not merely the fixing of salary. King v. Herron, 243 S.E.2d36, 241 Ga. 5.

5. The neg overlimits the topic. According to them the new Trump administration policy which will replace the ESSA won’t be topical because it’s new – that’s an obviously absurd interpretation of the topic. It will make the topic so narrow that the negative’s generic disadvantages don’t apply.
6. New funding or regulation is good for the neg ground – New programming guarantees the neg uniqueness for their disadvantages.