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Ending Zero-tolerance:

How High-Poverty Schools can Repair and Restore School Discipline

Abstract

The prevailing school discipline paradigm in the United States is actively racist and systemically robs the fair equality of opportunity from students across the nation. In the past few decades, the highly punitive zero-tolerance policies have resulted in an unprecedented wave of school exclusion. Furthermore, while all students in zero-tolerance schools may be affected by these policies, black students, students with disabilities, and students of low-income background are impacted at a disproportionate rate and face a substantially increased chance of becoming funneled into the criminal justice system.

In the United States, where education is a requirement of justice because it fulfills the societal obligation to provide fair equality of opportunity, schools have found it more convenient to suspend, expel, and incarcerate troubled and challenging youths rather than actually meet their needs. The current overly-punitive school discipline paradigm needs to be reformed in order to make education universally just. The systemic oppression of black students and other minorities promoted by this policy adds even greater moral urgency for reform.

This paper provides three interventions in the discussion of zero-tolerance policies. First, it supplies a normative argument against zero-tolerance policies that is currently lacking in the literature; second, it attempt to construct a more just disciplinary model by identifying four abstract principles of justice in school discipline; and third, it analyzes and compares three of the most popular alternative school discipline models gaining traction in the movement to end zero-tolerance: School-wide Positive Behavioral Interventions (SWPBIS) Restorative Justice, and Collaborative & Proactive Solutions.

While none of these models are perfect when analyzed according to the three-fold test of political and economic feasibility, moral permissibility, and practicality in a high-poverty community, both RJ and CPS are a stronger alternatives to SWPBIS in their preventative and rehabilitative qualities. And while these models are costly and time-consuming, they would dramatically reduce the educational inequities facing developmentally challenged students, and effectively block the school-to-prison pipeline at its earlier stages in the education system. Ultimately, I hope this paper can convince the reader that zero-tolerance policies are ethically intolerable in our democratic society, and can progress the discussion on viable alternative frameworks.

Introduction

The prevailing school discipline paradigm in the United States is actively racist and systemically robs the fair equality of opportunity from students across the nation. In the past few decades, the highly punitive zero-tolerance policies – which nearly all scholars, non-profit advocacy organizations, and professional organizations condemn for being ineffective, developmentally inappropriate and unjust – have resulted in an unprecedented wave of school exclusion. Furthermore, while all students in zero-tolerance schools may be affected by these policies, black students, students with disabilities, and students of low-income background are impacted at a disproportionate rate and face a substantially increased chance of becoming funneled into the criminal justice system.

In the United States, where education is a requirement of justice because it fulfills the societal obligation to provide fair equality of opportunity, schools have found it more convenient to suspend, expel, and incarcerate troubled and challenging youths rather than actually meet their needs. The current overly-punitive school discipline paradigm needs to be reformed in order to make education universally just. The systemic oppression of black students and other minorities promoted by this policy adds even greater moral urgency for reform.

This paper provides three interventions in the discussion of zero-tolerance policies. First, it supplies a normative argument against zero-tolerance policies that is currently lacking in the literature; second, it attempt to construct a more just disciplinary model by identifying four abstract principles of justice in school discipline; and third, it analyzes and compares three of the most popular alternative school discipline models gaining traction in the movement to end zero-

tolerance: School-wide Positive Behavioral Interventions (SWPBIS) Restorative Justice, and Collaborative & Proactive Solutions.

While none of these models are perfect when analyzed according to the three-fold test of political and economic feasibility, moral permissibility, and practicality in a high-poverty community, both RJ and CPS are a stronger alternatives to SWPBIS in their preventative and rehabilitative qualities. These two positive, rehabilitative paradigms focus on supportive relationships that empower the teacher, student, and parent. And while these models are costly and time-consuming, they would dramatically reduce the educational inequities facing developmentally challenged students, and effectively block the school-to-prison pipeline at its earlier stages in the education system. For too long, U.S. policymakers, educators, and school administrators have over-suspended and over-incarcerated its students and deprived them of their right to an education. Ultimately, I hope this paper can convince the reader that zero-tolerance policies are ethically intolerable in our democratic society, and can progress the discussion on viable alternative frameworks.

Part I: Zero-Tolerance Policies

Historical Context

The institution of compulsory public education in the United States is one of the nation's finest and most challenging duties to fulfill. The promise of education strikes deep into the core of the American Dream; as the so-called balance-wheel of society, it is said to foster capabilities in order to make success attainable by anyone. Yet the task of educating the nation's children has never been easy. A necessary ingredient for an effective education system is an environment

that is safe, supporting, and conducive to teaching and learning for teachers and children alike. By necessity, schools enforce sets of rules, punishments, and behavioral strategies in order to limit inappropriate behaviors and attitudes and to socialize students in a positive manner.

School discipline paradigms have been evolving since the inception of public schools in the United States, and the goals of education, discipline, and school management have largely followed both political and social trends of the time. Beginning in the 1800s and until the mid-20th century, corporal punishment was widely accepted as the default form of discipline (Mallett, 2015). As this method became less effective and socially appropriate, school suspensions and expulsions of disruptive students became the norm (Mallett, 2015). After facing legal challenges to this policy, however, schools then shifted towards in-school suspensions, which removed disruptive students from the classroom, but kept them inside the school to complete their work (Mallett, 2015). Administrators favored this more rehabilitative method until the 1980s, when the growth of mandatory disciplinary outcomes became the new norm (Mallett, 2015).

In the 1980s and throughout the 1990s, the media generated hysteria over the rise of juvenile "super-predators," a story which linked gang violence, the crack-cocaine "epidemic," and other juvenile crime primarily to African American and Latino males in urban communities (Heitzeg, 2009). These media constructions spread fear through the portrayal of high profile cases of juvenile crime and school shootings. In communities all across America, a rhetoric of "zero tolerance," borrowed directly from the War on Drugs, disseminated as community leaders and school officials expressed outrage against the actions of this supposed burgeoning criminal class. However, while juvenile crime did, in fact, peak in 1994 and subsequently plummet, these

scares prompted a slew of legislation that created a harsh legal system for both juveniles and adults (Mallett, 2015).

The first of these reactionary legislation had created disciplinary policies for banning weapons and drugs from schools. In 1994, the Gun-Free Schools Act mandated that schools expel any student who brought a firearm to school or a school zone for a full calendar and report that student to law enforcement; this act first blurred the line between disciplinary infractions handled by the school and law enforcement. School shootings also created the impetus for increased usage of security cameras, metal detectors, and a police presence at schools (Mallett, 2015). Schools eventually seized on the opportunity to apply "zero-tolerance policies" on a variety of infractions, including minor and nonviolent offenses, in order to exclude students causing disruption or any other behavioral challenges in schools. Thus, driven by media portrayals and widespread fear, zero-tolerance policies have since proliferated in the U.S. public education system, and completely transformed the paradigm of school discipline. The consequences would be devastating for millions of American children.

A Charitable Understanding of Zero-Tolerance Policies

Before we dive into the case against zero-tolerance policies, I want to be sure to give a charitable interpretation of the rationale behind these policies and outline their features outside of their historical context. After all, for any policy to gain as much popularity as zero-tolerance did, there must be a logical basis that attracted policymakers to adopt them in the first place.

Let us begin this with a definition. Zero tolerance policies refer to the philosophy or policies that mandates the application of predetermined consequences, most often severe and punitive in nature, to unacceptable student conduct or behavior, regardless of the severity of the

behavior, mitigating circumstances, or situational context (Mallett, 2015). In other words, zero-tolerance policies provide one-size fits all consequences for various behavioral situations, sanctioning suspensions, expulsions, or referrals to the police for a wide variety of misbehavior (Porter, 2015). Other features of this policy are mandatory reporting of behavioral incidents, and mandatory expulsion or referral to the court system for any offense related to weapons, drugs, or violence (Porter, 2015).

A standard of no tolerance may seem harsh, but that is precisely how they were designed. The strictness of these policies testify to their underlying premise that harsh disciplinary codes will have a deterrent effect on the behavior of disruptive and intentionally troublesome students (Heitzeg, 2009). According to this theory, a student who is prone to acting out, or plans to bring drugs or a weapon to school, would think twice about her action due to the strictness of the policy. Thus, when students are punished for bad behavior, they are being held accountable for their actions.

The teeth of zero-tolerance policies are its power to remove students from school through suspension and exclusion. In the effort to foster an optimal learning environment in the classroom, disruptive students – who may scream, curse, fight, damage property, or otherwise create disturbances – may negatively impact the educational experiences of their peers. Therefore, another intended purpose of zero tolerance is to kick out the "bad" students so that the "good" ones can actually learn (Losen, 2015). In this way, teachers may also regain control of their classrooms and improve the learning environment.

Finally, expelling students that pose threats and preventing students from creating them will theoretically make schools a safer place. Zero-tolerance policies provide a last resort for the

most extreme and dangerous behavioral cases. Applied ideally, they would be leveraged as one of many tools to address incidents of student behavior and can be complemented by policy and holistic services to address the origin of student behavior (Advocacy and Communication Solutions, 2013).

Between 74-94% of schools in the United States have implemented zero-tolerance policies, and it not unreasonable why they have gained so much popularity; these measures may seem like an appropriate response to the fear generated by the media, and also provide convenient tools to maintain order and control in schools. In fact, a significant proportion of school administrators and teachers still believe that zero-tolerance and school exclusion policies are effective, and continue to be among their stronger proponents. According to a poll of 1,300 teachers and administrators in Ed Week Magazine in 2013, 48% of educators think zero-tolerance policies are successful, while 76% believe in-school suspension is effective in reducing student misbehavior. Furthermore, 60% believe law-enforcement referrals work, 46% think out-of-school suspensions are effective, and 41% think expulsions work (Advocacy and Communication Solutions, 2013).

The Case against Zero-Tolerance

The case against zero-tolerance polices does not need to be overstated, as scholars, non-profit advocacy groups, and professional organizations overwhelmingly oppose them. It is widely agreed that they are ineffective, legally unjustifiable, economically draining, and oppressive towards certain demographics. However, as ethical interpretations of zero-tolerance policies appear less frequently in the literature, I will attempt to articulate a robust ethical argument myself.

Zero-Tolerance Policies Fail to achieve their own Goals

Zero-tolerance policies have proved ineffective at meeting their own goals. Instead of curbing misbehavior, they have merely led to unprecedentedly high rates of suspension and expulsion. In the 2011-2012 school year alone, 3.5 million students were suspended out of school at least once, which is a rate that is more than double that of 1974, and all told, 18 million days of instruction were lost because of exclusionary discipline (Losen, 2015). Additionally, school-based arrests have more than doubled, even when the majority of these arrest have been for minor infractions such as disorderly conduct or disruptions (Losen, 2015).

The effects of suspension are far-reaching to a student in many ways. Student trust in educators and the education system is eroded, especially when they do not understand why they were punished or if they were punished in a disproportionate manner (Porter, 2015). This may lead to further disengagement in school. Further, once suspended or expelled, students are often left unsupervised and without constructive activities and may succumb to negative influences (Porter, 2015). High suspension rates correlate strongly with delinquency rates, and rather than reducing disciplinary problems among offending students, zero tolerance policies are more likely to exacerbate them (ACLU, 2016).

Because suspension deprives students of an education, they, unsurprisingly, face worse educational outcomes. When suspended, students can fall behind in their coursework, leading to a greater likelihood of dropping out (ACLU, 2016). In one study, three days of suspension in a month translated into fourth graders performing a full grade level lower in the NAEP reading test (Losen, 2015). Once removed from school, many expelled students face barriers to re-entry. If they are lucky, they may find an alternative disciplinary school, but these are usually of

substandard quality due to nonexistent accountability standards (ACLU, 2016). Therefore, the

students who arguably need a meaningful education the most, are left without one.

But it is not just the offenders who perform worse academically in high-suspending

schools; their peers do as well. One study conducted in Indiana which controlled for poverty and

race found that lower-suspending schools had higher achievement rates (Losen, 2015). Another

study tracked all middle school students in Texas for six years, controlled for 80 variables, and

found no academic benefit in schools with higher suspension rates (Losen, 2015). Further

affirming this growing trend in literature, Morris and Perry tracked 17,000 individual students

who were never suspended over three years, and found that students attending schools with

high suspension rates received lower scores in reading and math (Perry, 2014). This finding was

robust, as it controlled for the level of violence and disruption in schools, school funding, and

student-teacher ratios. The "collateral consequences" of exclusionary discipline can be found in

all schools regardless of other characteristics. Based on these studies and more, it is reasonable

to claim that zero-tolerance policies do not, in fact, foster better learning environments.

Another debunked myth of zero-tolerance policies is that they have made schools safer.

In reality, according to a 2006 report by the American Psychological Association, zero-tolerance

policies did not result in fewer disciplinary infractions or reductions in the number of repeat

offenders (Heitzeg, 2009). Also, given the increase in delinquency rates, zero-tolerance policies

fail as deterrents of crime and misbehavior. What research indicates does make schools safer are

teacher-student engagement and teacher-parent engagement. In one study of Chicago Public

Schools, some of the high-scoring schools serving students from the highest-crime areas felt as

safe to both teachers and students as many serving students from the lowest-crime

neighborhoods (Steinberg, 2015). After controlling for demographics, the Chicago schools that felt safer also used exclusionary discipline much less frequently than the schools that ranked low on safety (Steinberg, 2015).

Zero-tolerance policies are also not developmentally appropriate and fail to consider that students may lack certain social, emotional, and behavioral skills that are necessary to follow rules and codes of conduct in the first place (Greene, 2008). There are countless cases of suspension and expulsion being egregiously sanctioned for relatively minor cases. For example, students have gotten expelled for sharing an inhaler in gym class; bringing small amounts of alcohol to school or a small plastic gun to kindergarten; and playing cops and robbers at recess (Advocacy and Communication, 2013). While many of these cases point to relatively innocuous offenses that were blown out of proportion, the same standard can be applied to any minor, nonviolent offense in the classroom. For example, if a student withdraws and refuses to participate in class, it is very likely that she simply does not have the skills to deal adaptively in the situation (Greene, 2008). Suspension as a mandated consequence without any regard for circumstance or situation is overkill.

Zero-tolerance Creates Disparities – Primarily along Racial Lines

In addition to the sheer ineffectiveness of zero-tolerance policies in accomplishing its own objectives, the implementation of these policies also create wide disparities along various demographic lines. Students of low-income background, students of color, and students with disabilities are overrepresented in every phase of the juvenile justice system from incarceration rates and juvenile arrests to referrals to prison, and are suspended at disproportionately higher rates (Heitzeg, 2009). In the 2011-2012 school year, the black suspension rate was 16%,

compared to 7% for Latinos, and 5% for whites (Losen, 2015). Among those with disabilities, 33.8% of male black secondary students were suspended, compared to 16.2% of male white secondary students (Losen, 2015). Even when controlling for socioeconomic background, there is a correlation between African-American ethnicity and increased rates of suspension (Graham, 2015).

Although zero-tolerance policies were made with the intention of eliminating biases in disciplinary procedures, some discretion is allowed in applying punitive disciplinary action (Porter, 2015). This has led to inconsistent and capricious application of zero-tolerance policies, as well as disciplinary referrals informed by prejudices and stereotypes. Statistics from the Department of Education office for Civil Rights from 2011-12 revealed that administrators exercised discretion more frequently when disciplining white students, while also suspending black students at three and a half times the rate of their white peers for the same offenses (Porter, 2015). To bring even more perspective to the racial bias, annually, 40% of all students expelled from school are African-Americans, and 70% of all in-school arrests involve African-Americans or Latino students (Porter, 2015). This racial bias cannot be attributed completely to behavior, but rather, the differential enforcement of zero-tolerance policies.

Further confirming the effects of racial bias, one interesting study highlighted the effects of skin-tone on differential disciplinary enforcement. Researchers at Villanova University and the University of Iowa found that African-American females with darker skin tones were suspended at three times the rate of their peers with lighter skin, even after controlling for variables such as previous disciplinary issues, SES, and academic achievement (Graham, 2015).

While racial disparities are strongest, it is also worth highlighting the great gaps in service and unfair treatment that students with disabilities experience in school discipline. Up to 85% of youth in juvenile detention facilities have disabilities that make them eligible for special education services, yet only 37% receive these services while in school (National Council on Disability, 2015). Students in segregated schools receive even worse services (National Counsel on Disability, 2015). Additionally, many students go through general education with unidentified and unaddressed academic, behavioral, or mental health needs, including ADHD and PTSD (National Counsel on Disability, 2015). What's more, there are racial differences in the diagnoses of ADHD and other disruptive behavior disorders, as teachers are more likely to expect and define these disorders as an issue for white boys than black boys (Heitzeg, 2009). It is critical that the harms of zero-tolerance policies are viewed not only through a racial lens, but also a disability lens.

Zero-tolerance Policies as Currently Implemented are Legally Unjustifiable

Zero tolerance policies raise a myriad of legal issues related to statutory vagueness, inconsistent application, and lack of due process for searches/seizures and arrests that occur on school property, as highlighted by the American Bar Association (Heitzeg, 2009). Vagueness in terminology abound in statutes and schools codes of conduct that create confusion and allow for extra discretion when enforcing policy. For example, although the Gun-Free Schools Act mandates expulsion of a student possessing "dangerous weapon," this term is not clarified. As a result, students carrying items such as scissors and nail clippers have been expelled (Heitzeg, 2009).

Due process rights of students are also ignored by zero-tolerance policies, which impose what are essentially mandatory minimum sentences according to the specific violation. There is "no identified procedure that enumerates student rights, procedural expectations or processes to allow for appeal of reinstatement" (Heitzeg, 2009). When students are suspended without a hearing, schools directly violate the Supreme Court Decision of *Goss v. Lopez (1975)*, which held that students cannot be suspended without a hearing because of the 4th amendment (Heitzeg, 2009). Finally, zero-tolerance practices violate the 4th and 5th amendments, which protect citizens from unreasonable searches and seizures and self-incrimination. In many schools, these rights are violated. In these ways, zero-tolerance policies, as they are currently implemented, compromise the basic civil rights of students.

Zero-tolerance Policies are Economically Nonsensical

From an economic standpoint, zero-tolerance policies place a great burden on society not only through processing costs, but also by increasing drop-out rates as well as the incarcerated population. Given how suspension drastically increases the likelihood of dropping out, it is relevant to know that a high school dropout will earn $400,000 less over a lifetime than a high school graduate (American Academy of Pediatrics, 2013). This income disparity means that these students will contribute $60,000 less in taxes than a high school graduate (American Academy of Pediatrics, 2013). This translates to a loss to federal and state governments of billions of dollars per year in income tax revenue.

Additionally, it costs society much more to incarcerate a juvenile than to educate one. Whereas a low-income community can struggle to expend $10,000 per-pupil per year, it costs over $50,000 annually to incarcerate that same child (Heitzeg, 2009).

Additional societal costs are incurred in the long-term, as the average high school dropout experiences worse health and lower life expectancy than a graduate. Therefore, increased health care and other social welfare spending will place an increased strain on society's resources.

Zero-tolerance is a Catalyst to the School-to-Prison Pipeline:

When reviewing the aforementioned reasons for why zero-tolerance policies are detrimental to students, it may make little sense as to why policymakers and educators continue to support them: they are demonstrably ineffective, racially oppressive, legally unjustifiable, and economically costly. However, when critically examining the political and economic landscape of zero-tolerance policies, we can uncover perhaps the strongest explanation for the perpetuation of this status quo: the machine of the school-to-prison pipeline.

Simply put, the school to prison pipeline is the combination of policies in education and criminal justice that have led to the creation of a criminal caste system, drawn largely along the lines of poverty and race (Porter, 2015). As discussed previously, zero-tolerance policies push students away from school and into the criminal justice system through either arrests directly at school or police referrals. The systematic tracking of students out of school and into the jail is a relatively new phenomenon that certainly deserves our attention (Heitzeg, 2009).

The pipeline takes place amid the phenomena of mass incarceration that has exploded in the United States. During the past forty years, there has been a dramatic escalation of the U.S. prison population, a ten-fold increase since 1970 (Heitzeg, 2009). Fueled by the literal War on Drugs and legitimated through lengthy mandatory minimum sentencing laws for drug crimes and

other felonies, the U.S. criminal justice system had incarcerated an astonishing 716 out of every 100,000 people by 2013 (Walmsley, 2013).

Parallel to the adult judicial system, juvenile justice systems experienced their own shift from rehabilitative and therapeutic to highly punitive forms. Throughout the 1990s, nearly all state and federal governments enacted a series of legislation that "made it easier, and in some cases mandatory, to try juveniles as adults, lowered the age at which juveniles could be referred to adult court, and widened the net of juvenile justice with blended sentencing options that included sentences in both the juvenile and adult systems" (Heitzeg, 2009). These measures were mostly in reaction to the aforementioned media-driven hysteria over juvenile crime.

Of course, with the creation a new criminal underclass, more prisons were needed to house them, and so, the "prison industrial complex" was created. Over the past few decades, the prison system has transformed into a lucrative business venture. With increased spending on incarceration, probation, and parole totaling $70 billion in the year 2007, the federal and state governments has demonstrated clear interest in creating a vast prison industry (Porter, 2015). As state governments contracted with private prisons in order to improve efficiency and cut costs, private prisons have depended on a steady stream of inmates to provide free or cheap labor and increase revenue. In other words, prisoners have become profitable commodities to both the private prison industry and to state governments (Porter, 2015). This market incentive to increase incarceration has even been written into government contracts which stipulate an obligation to fill these prisons at the risk of paying fees. The implication for the school-to-prison pipeline is that for-profit prisons reap the economic benefits of incarcerating youths, and actively lobby to promote punitive policies that would funnel youths into their facilities (Porter, 2015).

The prison industrial complex is not a conspiracy, but a real phenomenon in which prisons are utilized by politicians for economic development in their states and municipalities and to win the "tough-on-crime" vote, as well as by private companies seeking to generate a profit.

On the school side of the pipeline, zero-tolerance policies are the faucet that provide the steady stream of youth to the juvenile justice system. Market forces and perverse political and educational incentives interact to create a model of control and punishment in schools (Heitzeg, 2009). When viewed in the context of mass incarceration, zero-tolerance policies appear disturbingly similar to mandatory minimum sentencing laws, which have been used to systemically incarcerate offenders, especially low-income, black males. It is no coincidence that the students who are most often pushed out of schools are young black males, many of whom are mentally disabled. The two sides of the pipeline are inextricably linked.

The parallels, however, do not end there. Schools have also been transformed to eerily take on the literal appearance of a prison. Legislation enacted in the 1990s and 2000s have contributed to the prison-like environment of schools by sanctioning the increased presence of police officers not trained to work with children, also known as "school resource officers," and the usage of metal detectors and security cameras, particularly at "high-risk" schools (Heitzeg, 2009). In these ways, tough-on-crime legislation have been manifested through the militarization of schools, which significantly depress the school climate and make it less conducive to learning.

Part II: An Ethical Case against Zero Tolerance

I hope that at this point, it is clear that zero-tolerance policies are seriously problematic for a number of reasons, not the least of which is their contribution to the mass incarceration of

youth and the subsequent destruction of human life and potential. I believe that even just the weight of the empirical evidence previously summarized provides a cause for moral outrage. Unfortunately, the literature on the topic of zero-tolerance policies has noticeably lacked an actual articulation of normative arguments. As such, I will attempt to provide a normative analysis that examines two main injustices of zero-tolerance policies – the elimination of the fair equality of opportunity and basic liberty, and discriminatory practices – under the Rawlsian notion of justice as fairness.

Let us begin by thinking abstractly about the role of the public education system in the United States. In the U.S., public schools are institutions that are funded by citizens, and therefore endowed by the public, to provide a mandatory education to all children. This institution is designed so that all children, regardless of background or circumstance, may attain an education that will foster their capabilities and expand the opportunities they may choose to pursue in life. Education, therefore, is a chief cornerstone of the American political virtue of the fair equality of opportunity. In order to fulfill this duty of education, schools must maintain a culture and environment where all students feel safe, nurtured, and valued, and where order and civility are expected standards of behavior. Schools, as mentioned before, enact disciplinary policies and codes of conduct in order to prevent and deal with misbehavior.

Education is often understood as a longstanding political commitment to "promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access" (U.S. Department of Education, 2016). However, the political commitment must be distinguished from its fulfillment of justice, which is just as important a rationale for these public programs. A Rawlsian framework of justice can provide a

moral rationale for a public to create a strong education system with a just disciplinary policy.

Under a Rawlsian framework of justice as fairness, zero-tolerance policies as school discipline are

unjust because they strip the fair equality of opportunity entitled to all students. John Rawls,

arguably the most influential philosopher of the twentieth century, devised a thought

experiment that would best guide society in structuring its institutions for a pluralistic,

democratic society (Rawls, 1971). His thought experiment was the "original position," in which

every member of society was stripped of her individual characteristics except that of being

rational, self-interested, and unbiased. These members would then contract with each other

behind a "veil of ignorance" in order to adopt principles of justice for their society. Inevitably,

Rawls argued, two would be adopted. First, "each person is to have an equal right to the most

extensive scheme of equal basic liberties compatible with a similar scheme of liberties for others"

(Rawls, 1971). And second, "social and economic inequalities are to be arranged so that they are

both (a) reasonably expected to be to everyone's advantage, and (b) attached to positions and

offices open to all" (Rawls, 1971). The first principle is lexically prior to the second, and

inequalities in their society would be justified for the welfare of all. Going by these principles,

then, advantages in society would be obtained purely according to individual merit, rather than

any arbitrary distinction such as race or gender. However, because inequalities are inherent in

this system, as a person could be born in an inferior environment, or with less talent and effort,

the rational contractors would agree to support a system that compensates for disadvantages,

purely out of self-interest in the case that they are born into these groups themselves. They

would, in fact, order society so that the greatest advantages were distributed to the least well-

off in society. A redistribution of advantages, however, must be limited by the first commitment

to individual basic liberties so that nobody's rights are violated. Ultimately, what these self-interested, unbiased, contractual parties unanimously agree to, is fundamentally fair and just (Rawls, 1971). In other words, the fair equality of opportunity for all people is what produces fairness in society, and fairness, according to Rawls, defines justice.

Zero-tolerance policies abjectly fail to meet this standard of justice. Because a proper education is integral for individuals to access the opportunities of the United States' competitive market economy, providing education is required of the fair equality of opportunity and can be considered a basic political and civil right. Indeed, the very fact that public education is compulsory testifies to the essential right of every child to an education. Zero-tolerance policies, which exclude students from schools without providing an adequate alternative deprives them of this right, and therefore the fair equality of opportunity. Such a flippant and systematic exclusion of millions of children in America essentially sends a message that education is not a fundamental right, but a privilege that can be denied for reasons of organizational convenience or for political and economic gain.

Some may argue, however, that the fair equality of opportunity already exists through the public education system, and that those who are excluded through behavioral conduct violations sacrifice this right. This argument, however, ignores the lack of cognitive and soft skills development of certain students that are crucial determinants of behavior. Fair equality of opportunity requires that schools take into consideration the personal backgrounds and characteristics of students. Furthermore, children who have not reached agent majority may be in no position to sacrifice their fair equality of opportunity in the first place.

The procedural system of zero-tolerance policies is also unjust. The fact that Constitutional rights to due process as well as protection from unreasonable searches and seizures are regularly violated, means that students' basic liberties are undermined. This violates the first principle of justice adopted behind the veil of ignorance, that it is morally unjustifiable to override basic liberties and rights for any reason, including bringing about better consequences. When schools implement zero-tolerance policies, however, they overlook any mitigating circumstances or the context behind an offender's actions, and impose predetermined consequences that are often unfairly disproportional to the actual offense.

The injustice of zero-tolerance, however, does not stop with the actual sanction. Research literature demonstrates that even one instance of school exclusion can lead to significantly worse outcomes in education and life in general (Heitzeg, 2009). Students are more likely to become disengaged in school and become repeat offenders, drop out, and become entangled in the justice system throughout their lives. If students become convicted felons, they then face a set of invisible punishments that severely diminish their life opportunities. Among other things, they face voter disenfranchisement; denial of Federal welfare and medical, housing, and education benefits; accelerated time-lines for loss of parental rights; and exclusion from any number of employment opportunities (Heitzeg, 2009). A significant factor in propelling many felons to this point may very well be the overly-punitive and exclusionary zero-tolerance policies sanctioned to them in schools.

The second main obstruction of the fair equality of opportunity is evidenced by the demographic disparities resulting from the differential enforcement of zero-tolerance policies. Behind the veil of ignorance, unbiased contractors would agree that opportunities to obtain

significant offices or positions of power would be based on individual merit rather than arbitrary and superficial characteristics (Rawls, 1971). The fact that discrimination based on race/ethnicity, disability, gender, and sexuality all appear in statistics of suspension indicate that zero-tolerance policies are not being implemented fairly. For example, the fact that one student's darker pigmentation may increase the likelihood of her being suspended over a peer with a lighter skin-tone reveals a major flaw in the policy itself, the implementation of it, or both. When prejudices and stereotypes influence the enforcement of school discipline to the regularity as it does, this injustice can be defined as systemic oppression against certain groups.

As long as zero-tolerance policies remain unchanged, the public school system will provide neither the fair nor equal opportunities implicit in its societally contracted role of providing education. Schools and policymakers ought to, at the very minimum, reconsider the use zero-tolerance policies because they are unjust, oppressive, and antithetical to the principles of justice adopted by fair and unbiased contractors of a society.

Zero-Tolerance in Public Schools in Low-Income Communities

So far, zero-tolerance policies have been discussed broadly in its definition, context, and effects. From here on, however, I want to focus our attention specifically on public schools located in low-income communities because the challenges and pressures these schools face concerning zero-tolerance policies are unique. To understand these unique challenges, we will first examine the specific conditions of these schools. Note that I will be speaking very generally, since certain states and municipalities do more to make public education more equitable than others.

The overall quality of schools located in low-income communities are second-rate. Schools often have inadequate resources in terms of finances, supplies, facilities, and more. Classrooms are often overcrowded, and are staffed with inexperienced and less qualified teachers than those in higher-income schools. Teacher turnover rates are higher as well. There is usually insufficient funding for staff such as school counselors and special education practitioners (ACLU, 2016). Due partly to these conditions, low-income schools generally perform worse academically and have higher incidences of behavioral problems.

The students that occupy these schools often live in challenging environments as well. Poverty manifests itself in every aspect of their lives including the conditions of environment, healthcare, community violence, family dynamics, mobility, child care, transportation, mental health, shelter, and more (Ullucci, 2015). Youth in poverty are also exposed to disproportionate occurrences of violence, crime, drugs, and death, which have profound influences on their social, psychological, and emotional well-being. As a result, "students from impoverished backgrounds are more likely to have decreased educational outcomes, increased problems with social and emotional development, and more challenges in becoming academically successful" (Ullucci, 2015).

Given the uniquely difficult challenges facing schools and students situated in low-income communities, it is understandable why teachers and administrators resort to using zero-tolerance policies for school discipline. Faced with the pressures of increasing standardized testing performance through school accountability legislation such as No Child Left Behind, schools have faced perverse incentives to push out low-performing students and mask their educational deficiencies (Heitzeg, 2009). Unfortunately, even well-intentioned principals feel the

pressure, and when schools lack guidance counselors, intervention programs, and other resources to address students with special education and behavioral needs, they may feel there is no alternative but to push them out (Heitzeg, 2009).

In overcrowded classrooms, where challenging students can significantly slow the pace of education, teachers – particularly those who are less experienced in dealing with behavioral disciplines – may find it convenient simply to kick these students out. As a result, students that act out because of conditions of poverty such as trauma, poor health, hunger, family instability, and negative peer influences, can add education as yet another in a long list of unmet needs.

Russell Skiba, one of the leading experts on the inequalities created by zero-tolerance policies, identified that school level factors, more than anything else, have tremendous impact on suspension rates (Losen, 2015). In fact, according to Skiba, school leaders have direct influence on whether a school is high or low suspending. More specifically, principals' attitudes towards the use of harsh discipline is the single greatest determinant. Principals who favor zero-tolerance suspend and expel at higher rates, do so not because they want to, but because they think they do not have any viable disciplinary alternatives (Skiba, 2013). Given the tremendous pressure principals in low-income schools face in running under-resourced schools with a higher proportion of behaviorally challenging students, one can understand why zero-tolerance policies may seem like an appropriate and necessary measure to use, especially because they are completely legal. However, these attitudes are driven by a false perception that there are no viable alternative measures.

The next section of this paper presents two viable disciplinary paradigms that are not only politically agreeable and economically feasible to implement, but also morally compatible within a Rawlsian framework of justice.

Part III: A Move toward Tolerable School Discipline Paradigms

Abstract Features of an effective and just disciplinary framework

In order to effectively scrutinize the moral permissibility of alternative disciplinary models, I want to first identify the abstract features of a theoretically just disciplinary framework. Please note that while policymakers, experts, and scholars imply that their proposed models are ethically valid, normative arguments for them are not usually explicit. Therefore, isolating salient features of a theoretical model that are compatible within a Rawlsian notion of justice will be my second intervention. Here are four principles of a just school discipline model:

First, suspension and expulsion must be retained as sanctions of only the last resort. According to a Rawlsian basic liberties approach, education must be viewed as a basic right for children because it is so fundamental to them gaining access to robust opportunities in the United States. Schools must therefore place the actual education of children as their foremost priority. Because suspension and expulsion necessarily inhibit education for excluded students, especially when no educational alternatives are provided, a just disciplinary model will ensure that suspension and expulsion are measures of absolute last resort. The emphasis must shift from punishment and exclusion to prevention and rehabilitation.

Second, school disciplinary policies must be applied consistently and equally. When the prejudice and implicit bias inherent in all humans affect the enforcement of disciplinary policies,

certain groups will suffer disproportionately more than others. This violates Rawls' second principle regarding the elimination of preferential treatment according to arbitrary distinctions (Rawls, 1971). The law, which allows for such discretion is partly to blame. Policymakers and administrators should set procedures so that these biases cannot seep in when dealing with students.

Third, disciplinary policies must be developmentally appropriate. Teachers and administrators should recognize that children come to school at different stages in their social, emotional, and behavioral development. Unless these skills are learned, they will not know how to behave adaptively, and will instead act out in challenging ways (Greene, 2008). Under this view, challenging students are recognized as lacking certain critical skills. While zero-tolerance policies blindly ignore these factors and punish students for acting inappropriately, a just model would consider them as mitigating circumstances and then provide support for students to overcome their struggles. A holistic understanding of a student's capabilities is required in order to be fair with discipline.

Similarly, the fourth principle is that a just system must be compassionate and understanding of the personal backgrounds of students. Children, especially those of low socioeconomic backgrounds, may carry burdens that affect their performance and behavior in schools. These mitigating circumstances must be considered in the disciplinary process by connecting the effects of background and experience at home to the behavior students may exhibit at school. Further, classroom management approaches should take into account the cultural, social, and behavioral qualities each student brings. Predetermined consequences for offenses preclude this kind of individualized attention and process.

The model I have just presented requires quite a bit of discretion on part of disciplinarians. It calls for them to stop relying on a strictly defined set of predetermined consequences and instead factor in the individuals needs of a student. This does not mean that schools should not have rules, standards, or core values. These need to exist, and should be consistently and clearly communicated and universally upheld. I also acknowledge that discretion and the possibility for biases still exist in this framework, notably through the third and fourth principle. Although discretion can allow bias, discretion is necessary when individualizing discipline and support, and my hope is that critical engagement with mitigating factors will open the minds of disciplinarians and allow them to be fairer with students than if they had not considered them.

The four principles I have outlined, of course, are only a few of many possible moral principles one could come up with. However, I believe they cover some of the more important moral bases of a just disciplinary framework that is compatible with a Rawlsian notion of justice as fairness. I welcome other thinkers to research and better articulate the ethical bases of a just school discipline model than I have done, but in the meantime, these four principles will suffice.

The Movement to End Zero-Tolerance Policies

Before I introduce three popular alternatives to zero-tolerance policies, I want to preface this discussion by describing the recent movement to end zero-tolerance policies. Advocates for school discipline reform have been criticizing zero tolerance for years, and despite their persisting popularity, these policies have slowly begun to lose traction. Policymakers have responded to growing pressure to change policies dealing with truant students and discourage the use of out-of-school suspension for these infractions. In fact, 19 laws enacted in 17 states

since 2011, as of 2013, have limited the use of suspension for truancy (Advocacy and

Communication Solutions, 2013). In addition, five states – California, Colorado, Maryland, North

Carolina, and Oregon – have passed laws to end or greatly reduce out-of-school suspension or

expulsion. Other states have moved to empower teachers with disciplinary power, rather than

leaving it all to the principals (Advocacy and Communication Solutions, 2013). While there is still

much work to be done to ensure that conscious or unconscious bias will not influence

disciplinary referral decisions, many states are taking steps in the right direction. The movement

to end zero-tolerance is certainly gaining ground.

Alternative Models: a Moral and Practical Assessment

While there are a plethora of policy changes that can work to dismantle the harmful

effects of zero-tolerance, I do not want to focus on line-item reform reforms.[1] Instead, I am

primarily interested in systemic reform that can uproot the paradigm of punishment and control

and replace it with a more preventative and rehabilitative framework. An ideal system would be

one in which suspension rates decrease due to an organic reduction in delinquent behavior.

Unfortunately, there is no magic formula for decreasing suspension while simultaneously

improving behavior. Schools are continuing to experiment with innovative, alternative models,

and researchers are still learning about their effects. Many show promise, and a few are gaining

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[1] To give a few examples, such effective policy changes could include: clarification of statutes pertaining to the referral of students to law enforcement agencies; mandating and offering quality alternative education services; clearly defining and enforcing reinstatement procedures; and including an amnesty clause where students who inadvertently bring banned objects to school or find them can give them to a school official without fear of punishment (Heitzeg, 2009). All of these measures would reduce the bias and harm of punitive disciplinary measures, but they would not necessarily achieve the kind of radical, paradigm-shifting change I am interested in.

widespread adoption. The following is a critique of three of the more popular models with features that may be compatible with the moral framework outlined in the previous section and that are also politically and economically feasible. These models are grounded in different philosophical and pedagogical foundations, and experience varying degrees of effectiveness.

Model 1: School-wide Positive Behavioral Intervention and Supports (SWPBIS)

By far, the most popular alternative school discipline model is the School-wide Positive Behavioral Intervention model. Implemented in over 500 schools across the nation, this model is a "proactive approach to establishing the behavioral support and social culture needed for all students in a school to achieve social, emotional, and academic success" (Bradshaw, 2010). Following a public health approach, this model is three-tiered so that schools can create systems of support on the primary (schoolwide/universal), secondary (targeted/selective), and tertiary (individual/indicated) levels to prevent disruptive behavior (Bradshaw, 2010). Positive social behavior is introduced, modeled, and reinforced in the classroom, and students are rewarded for following the expected behavior. The ultimate goal of SWPBIS is to establish a school climate in which appropriate behavior is the norm (Bradshaw, 2010).

In one recent study, Catherine Bradshaw et al used 5-year longitudinal randomized controlled effectiveness trial of SWPBIS conducted in 37 elementary schools to "examine the impact of training in SWPBIS on implementation fidelity as well as student suspensions, office discipline referrals, and academic achievement" (Bradshaw, 2010). Their results indicated that training in SWPBIS is associated with large and sustainable changes in the number and types of schoolwide positive behavior supports provided to students (Bradshaw, 2010). Another four-year case study by Curtis et al found a direct correlation between program implementation and a

decrease in behavioral issues, as well as less wasted school and class time (Curtis, 2010). Specifically, they documented a 47-67% decrease in the number of behavioral referrals and suspensions in the examined school.

As the aforementioned studies indicate, the effectiveness of SWPBIS largely depends on the effectiveness of training and proper implementation. While the effectiveness varies from school-to-school, data suggests that proper implementation can decrease suspension rates anywhere from 20 to 60% (Graham, 2015).

Model 2: Restorative Practices & Restorative Justice

A second alternative disciplinary model gaining popularity is Restorative Practices, and more specifically, Restorative Justice. RJ is an approach to justice that focuses on the needs of the victims, offenders, and community (Evans, 2013). Applied to schools, this approach addresses student misbehavior while also fostering positive classroom and school environments. In practice, once a student inflicts harm to another, a restorative circle is formed consisting of all members of the school community affected by that student's actions.

Restorative Justice is conceptualized as both a set of processes and a set of values. Evans et al describe seven defining principles for this model (Evans, 2013). First, RJ recognizes that behaviors are precipitated by unmet needs, including autonomy, order, and relatedness. Students may go to extremes to meet those needs, which may be manifested through misbehavior. Therefore, RJ focuses on meeting students' needs. Second, RJ provides accountability and support for offenders, who take responsibility for harms committed within a supportive and compassionate learning community (Evans, 2013). Third, harm is defined by the effects on other members of a community, rather than an institution itself. Plans for restitutions,

therefore, are devised by the offender to heal the harm done to members of the community

(Evans, 2013). Fourth, conflict is viewed as a learning opportunity in which students can learn

from their own behavior, and teachers can learn how to more effectively reach the student

(Evans, 2013). They can then collaboratively design solutions that restore damage and prevent

future harm. Fifth, RJ builds healthy learning communities. Violence is defined as a breakdown of

social relationships, and RJ implements specific processes to rebuild those relationships (Evans,

2013). This process enhances student-student, student-teacher, teacher-teacher, and school-

community relationships. Similarly, the sixth principle focuses on the restoration of relationships.

Misbehavior is defined as the "violation of relationships over and above the violation of rules"

(Evans, 2013). Finally, RJ addresses power imbalances by empowering students (Evans, 2013).

While traditionally, schools impose institutional practices on students, the RJ process gives voice

to students so they may share their perspective in the restorative circle.

As with any model, there are challenges and limitations for RJ. Anita Wadhwa stresses

that restorative practices cannot be blindly followed from a roadmap of evidence-based best

practices. Rather, they should be contextualized to the specific community and engage leaders

from each area (Wadhwa, 2010). Other experts confirm that RJ needs to be implemented

purposefully as community building social justice curriculum which integrates classroom

practices with schoolwide practices (Rethinking Schools, 2014). It is not simply a set of prompts

or a temporary band-aid to school discipline problems.

Because all members of a school community must commit to the program in order for it

to be effective, RJ is also resource and time intensive. It is expensive to hire consultants and train

teachers, and oftentimes, school administrators and teachers in resource-constrained schools

may lack the experience and/or training to implement the program effectively. Even when school leaders do commit, it is challenging to convince students to genuinely participate and follow through (Wadhwa, 2010). Additionally, the restorative practice paradigm suffers from a lack of conceptual clarity, and must be defined at the community level. All told, experts estimate that it usually takes around three to five years before Restorative Practices yields any significant impact on students (Wadhwa, 2010).

If these roadblocks are successfully overcome, however, RJ can reduce suspension rates, and "create a feeling of safety on part of the harmed parties, closer relationships between participants, and a feeling of acceptance on the part of responsible parties" (Wadhwa, 2010). Studies show that Restorative Practices and RJ have been wildly successful in certain municipalities. In Denver Public Schools, for example, this model had decreased suspension, narrowed racial discipline gaps, and increased test scores consistently at all grade levels in nearly every subject for six consecutive years (Gonzalez, 2015).

Model 3: Collaborative & Proactive Solutions

Dr. Ross Greene, clinical child psychologist, is the founder of the Collaborative and Proactive Solutions framework. The CPS model is best explained by first describing the norm in school discipline. Usually, it is the adults in school who impose their institutional will, and rely on a system of rewards and punishments to generate good behavior. Because teachers aim to control behavior, they undermine the very elements that are essential for motivation: autonomy, a sense of competence, and a capacity to relate to others (Lewis, 2015). In this environment, children with behavioral issues become habituated to punishment (Lewis, 2015). Traditionally, kids are thought to misbehave because doing so works for them. For example, a student who

regularly disrupts class is thought to do so because she seeks attention, or is manipulative, coercive, limit-testing, or poorly motivated.

The CPS model overturns this traditional school of thought by introducing three foundational themes based on decades of research. First, kids do well if they can; second, doing well is preferable to not doing well; and third, "kids are challenging when the demands or expectations being placed upon them exceed the skills that they have to respond adaptively" (Greene, 2008). The entirety of CPS revolves around these three ideas, and many important implications can be drawn from them.

If it is indeed true that children only behave mal-adaptively when they literally have not acquired the brain functions to behave adaptively, then it makes little sense to punish them for their behavior, as nothing will improve from that outcome; suspending them will certainly not help. Rather, the emphasis of CPS is for educators to teach the critical behavioral skills which students lack so that they may learn to respond positively. Research in neuroscience have demonstrated that the prefrontal cortex of the brains – the area that controls impulse, prioritizes tasks, and organizes plans – of aggressive children have not actually developed, or were developing more slowly so that "they simply did not yet have the brains capable of helping them regulate their behavior" (Lewis, 2015). Fortunately, brains are changeable through learning and repeated experiences.

The CPS model calls on educators to collaboratively and proactively come up with solutions to a behavioral problem. This requires teachers to foster positive relationships with their problematic students, restrain from punishing them, and instead talk to them separately. The CPS model supplies an assessment tool that allows teachers to identify the specific

behavioral skill the student lacks, and then, in collaboration with the student and parent, brainstorm alternative strategies to deal adaptively the next time she feels the demands and pressures are too high.

Like the other two models, CPS is difficult to successfully implement, and is more effective when all of school leadership buys into it. According to one testimonial by a teacher at a low-income public school, even though CPS is difficult in practice, problem-solving is already a part of a teacher's day, and the patience, perseverance, and hard work usually pays off (Greene, 2008). While CPS is less resource intensive than the other two models, it can be costly if teachers are formally trained and the model is implemented schoolwide.

CPS, the newest and least popular of the three models, has already proven to be effective at addressing challenging behavior. Russell Skiba himself has stated that, "this approach really captures a couple of the main themes that are appearing in the literature with increasing frequency," that is, focusing on problem solving instead of a punishment is now seen as a key to successful discipline (Lewis, 2015). CPS is rooted in evidence, and one study has even deemed it an effective method of treating operational defiance disorder (Lewis, 2015).

A Comparative Analysis of the Three Models Applied to Low-Income Public Schools

Economic and Political Feasibility

All three models are economically preferable to zero-tolerance policies. Because all are proven to decrease suspension rates when properly implemented, society would benefit from the investment of these programs in the long-term. After all, a 1% increase in the graduation rate could save over $1.4 billion that would otherwise have been spent keeping offenders behind bars (Moretti, 2003). Among the three models, however, CPS may be the least expensive since

the impetus can be on teachers to take charge, even though this is less preferable to a schoolwide implementation. The startup costs for the other two models are necessarily higher, as they require the adoption and "buy-in" by all school leaders; thus, it costs more to train teachers and staff, and to integrate these models into both classroom curricula and school culture.

In terms of political feasibility, it will be an uphill battle to win the support of school administrators and teachers, especially when the majority of them believe that school exclusion and zero-tolerance policies are effective means of school discipline. It will take some convincing to earn their support for policies that would require them to put in more effort and attention to dealing with student misbehavior. In particular, while SWPBIS still allows for punitive measures, RJ and CPS require tolerance and understanding for challenging behavior in order to consider the mitigating circumstances and situational context of each infraction. Gathering circles for RJ or assessment and collaboratively problem-solving through CPS require significant more effort than simply referring the offending student to the office and suspending her.

Furthermore, these policies face challenges from the perpetrators of the prison industrial complex working to maintain zero-tolerance policies that work in their favor. Politicians and private companies that profit from an increasing incarcerated class will likely push against school discipline reform.

Despite all of these political hurdles, state and municipalities have been experimenting with alternative disciplinary measures, and some can share stories of extraordinary success. The political tide is shifting, and it is more important now than ever for an engaged citizenry to continue to pressure their political leaders to enact school discipline reform.

Moral Permissibility

Only RJ and CPS fulfill all four principles of the previously outlined morally just disciplinary model. SWPBIS fails because its reliance on a system of rewards and punishment, though it may de-emphasize exclusionary measures, do not necessarily make them the absolute last resort. Furthermore, while SWPBIS broadly teaches positive behaviors to students, they lack the individualized attention that both RJ and CPS provide which factor in the background circumstances and capabilities of students. Incentives do little to motivate students to behave correctly when they do not know how to behave correctly in the first place (Greene, 2008). By this view, SWPBIS is less developmentally appropriate and less "compassionate" than both RJ and CPS.

This is not to say that SWPBIS, when implemented effectively, cannot achieve fantastic results. In fact, SWPBIS has been proven to improve overall school climate and reduce suspension rates to a significant degree. However, my ethical standards are not concentrated on the net consequences of these models, but rather, are concerned with making sure that every student has the fair opportunity to have their needs met through individualized attention, and in so doing ensure their basic right to an education. RJ fulfills this requirement through its relationship-focused, power-balancing restorative circle approach, and CPS meets it with individualized and collaborative problem-solving efforts.

Potential Effectiveness in a High-poverty Public School

While all three models share a genuine concern for the effects of the overly-punitive disciplinary paradigm, and focus on positive, preventative approaches instead, this is where the similarities end. Each of the three alternative models have different emphases. SWPBIS focuses on creating a positive school climate by socializing students to learn positive behaviors. RJ focuses on restoring broken relationships in a community through self-examination and reparations. CPS attends to the specific cognitive skills that students with challenging behavior may lack. All three are time-consuming and difficult to successfully implement, but the unique challenges of a high-poverty school environment only increase the challenge.

CPS may perhaps be the most feasible to implement in these schools because they do not require full-staff support. The absence of sufficient guidance counselors and mental health professionals, though unfortunate, is not a deal-breaker, because diagnoses of specific conditions are irrelevant in the skills assessment process; specific lagging behavioral skills can be identified without official diagnoses (Greene, 2009). One limitation of CPS that I postulate is that the model is more influential during a student's earlier years, when her brain is more malleable and she is more open to change. Even Dr. Greene's book, Lost at School, caters towards supporting elementary-aged children (Greene, 2008).

In contrast, RJ can help students at every level learn from their experiences, but lacks the evidence-based focus on skills-deficits. RJ is also more expensive to implement and cannot properly function when schools are unstable and face constant turnover in staffing and leadership.

Regardless of the strengths and weaknesses of each model, research shows that schools are complex organizations, where meaningful change is complicated, uneven and contentious

(Johnson, 2013). Impoverished conditions only exacerbate these effects. Meaningful change, therefore, takes time and significant resources. However, even in high poverty schools, teacher can play generative roles in shaping the course of improvement beyond the classroom. They must work collaboratively with administration in order to implement change schoolwide (Johnson, 2013). Moreover, the competencies of a teacher should not be underrated. Competencies are necessary to promote positive interactions with children, youth, and their families (Coggshall, 2013). However, even if you improve teachers' capacities to relate to their students on a socio-emotional level, overloading them with an unmanageable amount of students will make the teacher less effective (Coggshall, 2013). Therefore, high-poverty schools, which usually attract inexperienced teachers, face greater barriers to school discipline reform. It is not impossible for schools in low-income communities to break away from zero-tolerance towards more rehabilitative models. However, unless governments increase support and resources in a substantial manner, then it is unlikely that high-poverty schools will generate the inertia to change.

Conclusion

Given the myriad of problems – legal, moral, economic, and otherwise – associated with zero-tolerance policies, it is more important than ever for U.S. public schools to shift away from this harshly punitive paradigm that systematically deprives students of both the fair equality of opportunity and their basic right to an education, and creates heinous disparities in practice. Unfortunately, changing the status quo by replacing zero tolerance with a practical and morally permissible alternative is easier said than done. The conditions of low-income schools provide an even greater challenge, even though they are where students arguably need the most help.

Although this paper does not provide any definitive answers to these problems, my hope is that it still furthers the discussion by generating a stronger sense of moral urgency to displace zero-tolerance policies through my normative analysis, and by bringing in conversation with one another three relatively popular alternative models of school discipline to analyze under an originally constructed framework of justice. Certain features of Restorative Justice and Collaborative and Proactive Solutions are promising, and the more research validates their effectiveness, the more likely it is that the tides of school discipline can turn.

It is now, and has always been, the responsibility of the democratic citizenry to hold their public education system accountable to the standards implicit in its contract with society. By this standard, no child should be excluded from schools based on lack of personal capabilities. No child should be unfairly targeted based on arbitrary personal characteristics, conditions, or background. No child should have their lives thrown away by policies constructed by a prejudiced media and perpetuated by perverse political-economic incentives. Every child in the United States deserves an education, and this battle must be fought on the grounds of school discipline.

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