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From School Buses to Prison Bars:
An Examination of Restorative Justice, Racial Minorities and the U.S. Education System

Hands placed behind the back. Standing in a straight line, dozens of eyes forward as the sound of feet shuffle, silently. This is routine for prisoners waiting to walk from their cells to the cafeteria. And, for kindergarten students who have eagerly been waiting to leave math class to go play tetherball and foursquare with their friends during recess. The parallels of the education system to the criminal justice system are often discussed in metaphorical terms, but their similarity plays an eerie role when examining real time punishment and disciplinary practices. From In School Suspensions to heightened punishments involving police, the disciplinary practices in place are ones that often take students out of the learning community and into a realm of punitive accountability instead of reconciliation. And, for students of color, their disproportionately increased experiences with disciplinary action often leads them to an early involvement with the criminal system. The criminal justice system has delved its hands into restorative justice for inmates, posing the question of how this framework may be applicable in the educational system. This paper seeks to examine restorative justice and its effects on students of color in the U.S. education system. After critically analyzing the available literature, I propose that implementing restorative justice may deter the school-to-prison pipeline, as it breaks dominance relationships by placing both students and educators into what I call an

"equitable thinking space." I will first outline the context of the school-to- prison pipeline and the connection of zero tolerance policies on heightened experience of discipline for students of racial minorities. Then, I will examine the restorative justice framework in reference to these equitable thinking spaces.

From Cradle, to School to Prison

The school-to-prison pipeline refers to the confluent paradigm of the legal system and the education system — two institutions that were not supposed to work in tandem but have so for decades. Authors of the book, "The School-to-Prison Pipeline: Structuring Legal Reform" explain that this complex relationship is felt most heavily by under-resourced schools and is cycled by two key things— inadequate resourcing and test-driven accountability (Kim *et. al* 2010: 9). This lack of resources is seen most in communities that are marked by concentrated poverty and racial isolation. Students in these districts may experience curriculums that don't prepare them for college, have unsafe and poor facilities and few early intervention programs for struggling students — all factors contributing to the high risk of academic failure (Kim *et al.* 2010: 9). Some under-resourced schools may attempt to address these barriers, but the pressures from the state for institutions to succeed based on standardized testing, creates incentives to push out the "neediest" kids (Kim *et al.* 2010: 9). These push out techniques, the authors describe, include disenrolling truant youth from their high school or harsher forms of exclusionary practices such as repeat suspensions, expulsions and even school-based arrests. In their piece "Examining Racial/Ethnic Disparities in School Discipline in the Context of Student-Reported Behavior Infractions," authors Brittani Smith and Kate Wegmann describe just how powerful missing a single lecture can be in these communities. They explain that experiences of exclusionary practices can be perpetual and lead to a long term absence from an educational

community, and exacerbate a poor cycle of academic performance disengagement (Smith & Wegmann 2018) . Some scholars trace this transition before a child even enters the schooling system, and use the word "cradle" to capture an accumulation of structural barriers and factors from the moment a child is born, throughout their developmental stages, that may influence the individual's risk of being placed in the incarceration system. Morna Murray's report titled "The Cradle to Prison Pipeline," outlines a few of these factors being tied to the healthcare system including but not limited to access to mental health care, unstable parenting and inadequate responses in situations of abuse and trauma. (Murray 2005: 12). These kinds of disadvantages force students to play on an uneven playing field, one that pushes students of color off the road to higher education and increasingly on the path to prison (Murray 2005: 12).

Zero Tolerance Policies & Racial Disparities in Discipline

Studies have shown that students of color are more likely to attend under-resourced schools, and are consequently overrepresented in every aspect of the school to prison pipeline (Kim *et al.* 2010: 34). In 2023, the American Civil Liberties Union reported that between 2017 and 2022, law enforcement and school staff filed school-based complaints against Black students at four times the rate of their white counterparts. And, that schools referred Black students for disorderly conduct at over five times the rate of their white classmates (Davis *et al.* 2021: 4). A factor contributing to this has been the historical implementation of Zero Tolerance Policies. After the horrific events that occurred in the 1990's Columbine shooting, education systems feared and desperately sought expanded sanctions to avoid violence. The American Psychological Association's Zero Task Force's article, "Are Zero Tolerance Policies Effective In The School: An Evidentiary Review and Recommendations," explain these policies as a philosophy that "mandates a predetermined consequence for unsafe and unacceptable student

behavior ,"(APA 2008: 852). The authors further explains that this approach makes the assumption that removing students who engage in disruptive behavior will deter others from also being disruptive as well as improving the environment for the aggrieved students (APA 2008: 852). Where these two intersect is in how punishment is given out on a rather subjective basis. Richard Verdugo in his piece "Race-Ethnicity, Social Class and Zero Tolerance Policies: The Cultural Structural Wars," explains how these policies cover certain behaviors without considering the context in which they occur (Verdugo 2002:60). Verdugo (2002: 60) outlines that when looking at suspensions, male African American students were more likely to be suspended on the basis of appearing threatening or being disrespectful, while white students had higher rates of suspensions for infractions including guns, weapons and drug violations.

Modifying Classroom Restorative Justice

Restorative justice is often posited as a theory of criminal justice, where offenders are set to reconcile their actions with the victim at hand through open dialogue and relationship rebuilding, without the intervention of the state. While students committing infractions against school policies are not all criminal in nature, the application of the restorative framework is still relevant in its focus on relationships. Literature on restorative justice, such as Allison Payne and Kelly Welch's work called "Restorative Justice in Schools: The Influence of Race on Restorative Discipline," has advocated that this alternate approach is best applied to the educational domain instead of the criminal justice system. In academic settings, there are more opportunities to cultivate relationships across varying levels: student to student, teacher to teacher, student to teacher, and the list goes on. Because of this close nature with different existing relationships within schools — where members in these relationships see each other five days of the seven in a

week — any minor encounters could disrupt the system of connections if a seemingly

problematic situation is not handled accordingly (Payne & Welch 2015: 539). But, when

students are reprimanded, the focus strays away from relationships and spotlights applying quick

time consequences for optimal behavioral correction. It's not oriented around the effect of the

behavior on the community of peers and administrators. The restorative justice model, then,

allows for a relationship based approach, one where action is not determined by a supposed

inability to follow a set of rules or guidelines, but rather based on the foundation for

strengthening the student to student, student to community interconnections.

It is worth noting that the nicheness of relationships and infractions in the education

system can complicate the restorative justice framework. In her piece "Taking Restorative Justice

to Schools: A Doorway to Discipline," Jeannette Holtham outlines examples of infractions and

their respective, restorative solutions. One of her examples explains that a "Classroom

Disruption," one where the punitive punishment would be to be shamed by the teacher in front of

the class, could have the following alternatives: "Verbally apologize to the teacher and fellow

students with a promise to contribute more positively in the future, request that peers hold

him/her accountable, or spend a week assisting the teacher with classroom supervision or

clean-up," (Holtham 200 : 40). While at face value this does seem better, one is left to question

what is the criteria for a "classroom disruption" and by whom are these standards set by? In

knowing the rather prejudiced basis of this institution, as outlined by the aforementioned racial

disparities, a student considered "disruptive," may not have truly disrupted the classroom in a

way that was damaging to their own, or their fellow peers' learning environment. Additionally, if

a student may not have truly committed a damaging infraction, but is now being asked to

apologize in front of an entire classroom, is this truly less humiliating than being scolded in front

of classmates? Taking students out of the classroom is problematic, but keeping them in one that plays mental mind games of inequitable "right" and "wrong" standards isn't any better. Cases like these expose that doling out restorative "solutions," as an alternative to punitive ones, simply puts a harmony coded bandaid over top of a deeply rooted systemic issue. It is imperative, then, that restorative justice in the classroom be thought of carefully, intentionally and as a living "space" rather than an alternate guidebook.

"Equitable Thinking Spaces"

When analyzing restorative justice in its connection to the school prison pipeline, my emphasis is to look at the concept as a space. What I mean by this is that restorative justice needs to be thought of and applied as a culture-like energy, something that resonates as a pillar of the education system and not just as an aspect of it. Equitable thinking spaces are, then, the embodiment of a new educational environment where students and educators alike are invited to emphasize curiosity and conscientiousness over compliance. Whether administrators and students choose to physically create this thinking space, by sitting in a circle or with one another doing a shared activity or, creating the space energetically via an understood agreement between the parties, this area allows for a zone of communication, identity formation and reflection. The term equitable here is not meant to undermine the varying levels of positionality vis a vis students and educators. Instead, the term is meant to capture the evening of a playing field, the creation of a leveled domain where individuals aren't forced to reap the nuanced label of student and teacher, that often comes with standardized power relationships— a kind of democracy where participation overrides domination.

Equitable thinking spaces highlight two detrimental areas to learning environments that must be examined when connecting restorative justice and the school-to-prison pipeline — the extreme accessibility to punitive consequences and the effects of pervasive terminology. In terms of accessibility, if the option to suspend or write-up a student is available, it seemingly comes as second nature to educators. In her book, "Justice on Both Sides," author and educator Maisha Winn gives an anecdote of this in her own classroom. One of her students had become distracting, and after what she describes as "brief words," she quickly wrote up her student to go to an assistant principal with a reputation of being verbally and psychologically abusive to students (Winn 2018 : 2). After feeling paralyzed by her actions, noting she had laughed not even a month prior at the idea of giving a referral to a student, Winn reflects on how educators come to be socialized into carceral responses and isolative punishment toward students (Winn 2018 : 2).These kinds of actions, then, bolden the already established power relationships that are at play between educator and student. When educational malpractice at the hands of power dynamics becomes the norm, mixed in with an already biased institution, students of color are left in an environment that treats criminalization like "business as usual," and seeks no reparations to its inevitable outcome. If the institution were to have an embedded culture of reflection such as the one equitable thinking spaces are meant to embody, perhaps turning to the criminal justice system would not be the first course of action.

Returning to the theme of terminology, I find that if restorative justice is to be used in this environment, then the distinguished "offender" and "victim" labels often utilized need to be blurred, reconsidered, or removed entirely. Indeed, restorative justice tends to highlight the "offender" and "victim" categorizations as a means of allotting what each "side" needs to do to supposedly "make things right." Because the original framework of restorative justice has a

background in criminal justice, these terms by association have a direct link to the system. When students are in environments where they are thought of, labeled as, and mobilized like criminals, it is only understandable that they themselves will begin to believe it. An added layer of complexity is added when one thinks about students who are unjustifiably labeled as an offender because of racial or ethnic bias. Utilizing these terms in such a way, may criminalize students more than they already have been. Even if students did in fact commit an infraction, referring to them as an offender or victim may only create further tensions between the aggrieved parties, and reiterate stricter power relationships — an "us vs. you" narrative. Equitable thinking spaces, designations of human to human interaction instead of authority to submissive discourse, may help to ameliorate these tensions by creating a "us vs it" narrative, the us including the members of the community, and the "it" being the dilemma that has occurred.

Creating a "space," may seem menial in the grand scheme of a systemic issue — one that breaches not just the education system but the justice system as well. A 2018 study conducted by the RAND corporation on Pittsburgh's Public School System found that restorative justice in the classroom did not decrease the number of student arrests based on the district classification of violence, nor did it have significant facts on children in 6th through 8th grade (Augustine *et al.* 2018: 15). How then, is an equitable thinking space, or restorative justice in this philosophical framework effective at a macro level? The United States is rooted in a history of slavery, racism and overall biased frameworks that have been weaponized from the past and continuously brought into the present. But, this very fact is why restorative justice is effective in deterring the pipeline. The basis for nonwhite individuals has been, and continues to be oppression — and, very few institutions work to propagate anti-racist mechanisms to help address these oppressions. Implementing restorative justice is a vehicle for exactly this. Equitable thinking spaces and

philosophies that promote a culture of reflection allow for difficult conversations to ensue and to be heard. When students and administrators are able to have conversations and ruminate on the effect of race in an academic setting, particularly in a space where these dominance relationships are blurred, it works to dismantle some of the prejudiced barriers that have been put into place. It is not simple to change an entire system, but these interpersonal moments act as a set of dominoes. If a conversation or reflection can stop the first from falling, then the pitfall into the criminal system can be avoided. Sustainable macro leveled changes, must start with sustainable micro leveled actions.

Conclusion

I have sought to examine how the school-to-prison pipeline may be deterred utilizing what I refer to as equitable thinking spaces in a modified restorative justice framework. Looking at what the school to prison pipeline entails, extant research clearly depicts that students with marginalized identities are at highest risk of being part of the pipeline, with this bleak transition being heightened by factors like under-resourced schools and an emphasis on standardized testing for the schools quantification of success. The transition, some add, might even start off before kids enter the schooling system — relaying that certain factors are at play from the time of birth. These barriers became further complicated in the late 1900's with the emergence of zero tolerance policies, that only added inequitable methodologies to disciplining their students — and, leaving students of color to feel the effects of the disciplinary disparity far more than their white and nonethnic classmates. A restructuring of the current disciplinary techniques, one that utilizes the basis of a restorative framework with an emphasis on relationship building, could help deplete the excess use of exclusionary practices in punishment. However, restorative justice

should not be thought of or practiced as a substitute for punitive consequence — a strict set of guidelines that create hard to determine standards of good, wrong and an already messy middleground. To avoid blanketing deeper issues that make these standards complex like prejudice and racism that ground the school-to-prison pipeline, I sought to explain the importance off equitable thinking spaces— a cultural, philosophical shift to view education as an area prioritizing reflection and conscientiousness as opposed to the current framing where compliance in any means necessary takes precedence. In these moments of reflection, administrators are confronted by their behaviors, and might even be able to unlearn behaviors and biases they may have. Looking at the importance of nuancing terminology and reiterating the second hand nature of exclusionary practices, equitable thinking spaces offer themselves up as advocates for anti-racist rhetoric to be brought to the table in spaces where racism is so prevalent, and act as a catalyst to creating systemic change for both the educational and justice systems. The discipline techniques currently used and their tremendous effects on students of color mirror far too similar a system of policing, incarceration and injustice. To look at education through a restorative justice lens, is to look at a new means of socializing new generations of students, educators and community members to a culture of equality — one that stands firm in the face of adversity and ushers out the blind acceptance of inequality.

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