CHALLENGING THE STATUS QUO: AN INTEGRATED APPROACH TO DISMANTLING THE SCHOOL-TO-PRISON PIPELINE

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I. INTRODUCTION

When it comes to challenging school disciplinary policies that have an especially disparate and negative impact on students of color and students with disabilities, courts cannot be the sole or final arbiter for addressing this serious problem. Rather than acting as a discouraging force, courts routinely uphold these disruptive school disciplinary policies and end up being a major conduit in the "School-to-Prison Pipeline" (STPP). The STPP refers to the phenomenon of over-disciplining minors, which in turn results in their suspension, expulsion, and in some cases, incarceration.[1] With limited exceptions, the cases that parents have brought on behalf of their children to challenge these controversial and disruptive school disciplinary polices have been woefully unsuccessful. State and

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1. *See* Jason P. Nance, *School Surveillance and the Fourth Amendment*, 2014 WIS. L. REV. 79, 83 (2014).

federal laws, at least on paper, create avenues of relief, but the remedies that parents of pipelined children seek remain illusory. Too often courts devalue the pipelined children's experiences by solely viewing them as isolated and unrelated incidents as opposed to being emblematic of an on-going acceptance of police brutality and violence against certain children.

Moving away slightly from the legal side of the STPP, it is helpful to examine the school setting where discipline has become problematic. Inevitably, school teachers and administrators often face serious difficulties when addressing the particular learning styles and behavior concerns of children who might exhibit signs related to their intellectual disabilities or emotional problems that are arguably disruptive. School leaders and classroom teachers should and must address disorderly conduct. Yet all disciplinary actions or interventions should encourage students to be accountable for their misbehaviors and poor decision-making.[2] Helping students develop greater insight and better understanding about the connection between the attitudes they display, the behaviors they engage in, and the consequences they face can have a direct impact on their educational achievement and social progress. Therefore, the goal of this Article is to present an integrated approach through policy and legal and pedagogical solutions to dismantling the STPP to advance the educative process and personal development of all youth.

II. INTERSECTING CLASSROOMS AND COURTROOMS

A. ABUSES OF SCHOOL DISCRETION IN IMPLEMENTING DISCIPLINARY POLICIES

In 1954, following the U.S. Supreme Court's decision in *Brown v. Board of Education*,[3] both overt and closeted supporters of race-based school segregation developed new means of making sure this pernicious system remains.[4] Their objective is best evidenced by the zero-tolerance school disciplinary policies that grew rampant in the late 1980s to mid-

2. *See, e.g.*, ROBERT W. FULLER, SOMEBODIES AND NOBODIES: OVERCOMING THE ABUSE OF RANK 67 (New Society Publishers, 2003) (providing an example of a student punished for having dirty fingernails who was forced to leave class until her nails were clean).

3. *See* Brown v. Board of Educ. of Topeka, 347 U.S. 483, 493 (1954) (holding that segregation of children in public schools on the basis of race violated the equal protection clause of the Constitution).

4. *See generally* JOHN A. POWELL, RACING TO JUSTICE: TRANSFORMING OUR CONCEPTIONS OF SELF AND OTHER TO BUILD AN INCLUSIVE SOCIETY xvii (Indiana University Press, 2012) (discussing racialization and describing "post-racialism" as the phenomenon where Americans think of racialization as a conscious rather than subconscious issue).

1990s.[5] Unsurprisingly, black and brown youth are the main victims of school zero tolerance policies that kick kids out of school for even minor offenses and fill up juvenile detention centers, and eventually, prisons.[6] Oftentimes, the unstated goal behind these practices is to prove the fiction that minority children have a predisposition for bad behavior, even though decades of social science research recognizes the role of implicit bias with respect to enforcing school disciplinary policies.[7] Thus, the use of discriminatory disciplinary policies actually perpetuates the marginalization and criminalization of students of color.

The absurdity behind zero tolerance policies is vividly captured in *D.T. v. Harter*.[8] In that case, the Lee County School Board in southwest Florida reassigned a student to an alternative school based on evidence that the car the student drove to school in contained marijuana.[9] After a thorough investigation, the hearing officer assigned to the case concluded the student lacked knowledge of the marijuana's presence in the car primarily because his mother owned the car, other family members regularly used the car, there were other items in the car that clearly did not belong to the student, and there was no evidence to support that the marijuana belonged to the student.[10] Consequently, the hearing officer recommended that the student not be punished.[11] The School Board accepted the hearing officer's factual conclusions, but nevertheless reassigned the student on the ground that the school's disciplinary policy did not require actual or even implied knowledge on the part of the student.[12] The Board members simply enforced the provision as a zero tolerance policy.[13] Accordingly, possession, even unknowing, was sufficient for purposes of finding a violation.[14] In reversing the School

5. *See* Udi Ofer, *Criminalizing the Classroom: The Rise of Aggressive Policing and Zero Tolerance Discipline in New York City Public Schools*, 56 N.Y.L. SCH. L. REV. 1373, 1375–79 (2011/2012).

6. *See* Sarah E. Redfield & Jason P. Nance, *School-to-Prison Pipeline: Preliminary Report* 14–17 (AM. BAR ASSOC. 2016), https://www.americanbar.org/content/dam/aba/administrative/diversity_pipeline/stp_preliminary_report_final.authcheckdam.pdf (discussing disparities in minority student treatment under school disciplinary policies).

7. *See id.* at 54–56.

8. *See* D.T. v. Harter, 844 So. 2d 717, 717–18 (Fla. 2d DCA 2003) (reviewing a school board's disciplinary sanction of reassigning a student to an alternative learning center because the student's car contained marijuana).

9. *Id.* at 718.

10. *Id.*

11. *Id.*

12. *Id.* at 718–19.

13. *Id.* at 719.

14. *Harter*, 884 So. 2d at 718–19.

Board's decision, Florida's Second District Court of Appeal ruled that the Board's decision to penalize the student was unreasonable and contravened a plain reading of the policy, which required actual knowledge.[15]

A common-sense approach to the situation in *Harter* should have ended the matter before it ever reached the courts. Instead, it took the student two years to get an appellate decision upholding his basic due process rights and protection against unnecessarily harsh punishment.[16] Because of the time lost, students like D.T. are missing out on valuable instructional time and access to curriculum standards that appear on high-stakes exams.[17] Instead, these students are being taught that they do not matter and do not deserve a quality education and real opportunities for success. Rather, they are being lead towards a life of crime. Without strong advocacy from parents and teachers, these messages become a self-fulfilling prophecy for many students who struggle and fall behind, eventually becoming another statistic.[18] Therefore, all adults who touch children's lives during the educative and legal processes must do their part to end this destructive trend.

B. LAW ENFORCEMENT ACCOUNTABILITY FOR CHILDREN'S RIGHTS VIOLATIONS

While parents and teachers are key stakeholders in advancing a child's educational opportunities, law enforcement and the imposition of adult-like criminal penalties on children are having an opposite, destructive effect. Most disturbing is the violence meted out against children by the adults charged with ensuring their safety. Any form of aggression inflicted upon minors by anyone for any reason must be stopped. Parents who are physically abusive towards their children face stiff civil and criminal penalties, including jail time and loss of parental rights.[19] Either the child

15. *Id.* at 719–20.

16. *Id.* at 718; *see also* S.J. v. Thomas, No. 1D16-3635 (Fla. 1st DCA Dec. 19, 2017) (ruling, two years after school discipline measure was imposed, that student was entitled to basic procedural due process and an opportunity to challenge school's decision).

17. *See* JOEL SPRING, AMERICAN EDUCATION 36–38, 250–54 (McGraw Hill, 11th ed. 2016) (defining "high-stakes test" as "an examination that determines a person's future academic career and job opportunities").

18. *See generally* MONIQUE W. MORRIS, BLACK STATS: AFRICAN AMERICANS BY THE NUMBERS IN THE TWENTY-FIRST CENTURY 7–21 (The New Press, 2014) (discussing varying statistics applicable to black students).

19. *See* Howard A. Davidson, *Child Abuse and Domestic Violence: Legal Connections and Controversies*, 29 FAM. L.Q. 357, 358–59 (1995) (noting these penalties extend to the non-abusive parent). *See generally Child Welfare Information Gateway*, CHILDREN'S BUREAU (March 2015), https://www.childwelfare.gov/pubPDFs/resources.pdf (providing different state

or the parent is usually removed from the home to create a safe space for the child.[20] Unfortunately, the same strict consequences usually do not apply to School Resource Officers (SROs) who are guilty of, but are not held legally liable for, injuring students. The great deference courts give to SROs when deciding these cases is exemplified in *Hawker v. Sandy City Corporation.*[21]

Hawker involved a nine-year-old student, accused of stealing an iPad, who was combative with school personnel when they retrieved it.[22] In response, school officials contacted law enforcement and restrained the child by grabbing his torso and holding his legs together.[23] When the child was unresponsive to the officer, the officer "'grabbed' [the child's] arm and 'yanked' him up off the floor," "put him in a twist-lock, pushed him against the wall, and handcuffed him."[24] The child tried to resist and told the officer that she was hurting him, but to no avail.[25] A doctor later treated the child for possible injuries to his collarbone, and the child alleged that he suffered from anxiety and post-traumatic stress disorder as a result of this incident.[26] The court rejected the child's Fourth Amendment excessive force claim and ruled that the officer was entitled to qualified immunity.[27] While recognizing "[i]t is regrettable that a police officer feels a need to resort to physical force, handcuffs, and arrest in order to gain control of and reason with a nine-year-old child," the court nevertheless held that the officer's conduct was "objectively reasonable" and, therefore, neither she nor the City could be held legally responsible.[28]

Today, the million-dollar question in response to cases like *Hawker* is why does the law protect law enforcement agencies in crimes of violence against minors? Moreover, what message, other than to give police a blank check to essentially brutalize children with impunity, do these types of cases send? Judge Lucero wrote in his concurring opinion in *Hawker*:

> The criminal punishment of young schoolchildren leaves permanent

resources regarding child abuse).

20. *See* Zandra D'Ambrosio, *Advocating for Comprehensive Assessments in Domestic Violence Cases*, 46 FAM. CT. REV. 654, 655 (2008).

21. *See* Hawker v. Sandy City Corp., 591 F. App'x 669, 671 (10th Cir. 2014) (upholding a district court ruling that the use of a twist lock by an officer against a nine-year-old did not constitute excessive force in violation of the Fourth Amendment).

22. *Id.* at 670–71.

23. *Id.* at 671.

24. *Id.*

25. *Id.*

26. *Id.*

27. *Hawker*, 591 F. App'x at 671–76.

28. *Id.* at 675–76.

> scars and unresolved anger, and its far-reaching impact on the abilities of these children to lead future prosperous and productive lives should be a matter of grave concern for us all. . . . Although the phrase "school-to-prison pipeline" has become "part of the national lexicon," . . . it has yet to enter the lexicon of our courts.[29]

The quality of the teacher-student and disciplinarian-student interaction is of paramount importance. In the beginning of every school year, teachers and students need to develop a set of mutually agreeable classroom rules and procedures that foster healthy interpersonal relationships. Effective, agreeable, and fair policies enable teachers and students to do their best work. Experienced teachers understand that all students learn differently and at their own pace. Therefore, rather than allowing students' misbehavior to be a one-way ticket to juvenile detention, these contentious moments should serve as incredibly positive opportunities for knowledge transfer.[30] Law enforcement's use of violence against a child should never be tolerated.

C. INADEQUATE LEGAL PROTECTIONS FOR ESE STUDENTS

While racial and ethnic disparities persist when it comes to the STPP, one cannot ignore the impact these callous policies have on children identified as having "special needs."[31] Like students of color, advocates for students with disabilities battle an overwhelming bureaucracy to advance the civil rights of all children. Fortunately, Congress has passed laws prohibiting local education agencies that receive federal monies from discriminating against students on any basis, including disability.[32] In 1973, Congress authorized the Vocational Rehabilitation Act to condemn the practice of excluding students from federally funded programs strictly

29. Hawker v. Sandy City Corp., 774 F.3d 1243, 1244, 1246 (10th Cir. 2014) (Lucero, J., concurring).

30. RICH KORB, MOTIVATING DEFIANT AND DISRUPTIVE STUDENTS TO LEARN: POSITIVE CLASSROOM MANAGEMENT STRATEGIES, ch. 3 (Corwin 2012) (providing productive strategies for dealing with disruptive student behavior).

31. *See* Education of Individuals with Disabilities Act, 20 U.S.C. § 1401(3)(A) (2015) (defining "child with a disability" as a child "with intellectual disabilities, hearing impairments (including deafness), speech or language impairments, visual impairments (including blindness), serious emotional disturbance . . . orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities; and . . . who, by reason thereof, needs special education and related services").

32. *See Disability Discrimination*, OFFICE FOR CIVIL RIGHTS (last updated Nov. 4, 2016), https://www2.ed.gov/about/offices/list/ocr/frontpage/pro-students/disability-pr.html. *See generally* DONNA M. GOLLNICK & PHILIP C. CHINN, MULTICULTURAL EDUCATION IN A PLURALISTIC SOCIETY (9th ed. 2013); SPRING, *supra* note 17, at 86–87 (discussing federal legislation in place to prevent discrimination against handicapped students).

due to their disability.[33] To augment the protections already provided under federal law, the 1975 Education for All Handicapped Children Act[34] guaranteed U.S. citizens ages three to twenty-one years old the following: (a) a free and appropriate education in the least restrictive environment; (b) parental involvement in the educational decisions related to children with disabilities; (c) fair, accurate, and nonbiased evaluations; and (d) procedural safeguards to protect the rights of students and their parents.[35]

Efforts have been made to increase the presence and participation of special needs students in public schools. The Individuals with Disabilities Education Act (IDEA)[36] has made an important imprint on the way educators and researchers work with special needs students.[37] Moreover, to safeguard students and their families from educational negligence, IDEA stipulated the creation of Individualized Education Plans (IEPs), written documents containing statements about each student's current academic standing, yearly benchmarks, short term goals, specific educational needs and services, participation in regular education, and evaluation procedures.[38]

Despite the existence of these important rights-affirming pieces of legislation, some schools and school districts struggle to remain in

33. Rehabilitation Act of 1973, Pub. L. No. 93–112, § 504, 87 Stat. 355, 394 (1973) ("No otherwise quailed handicapped individual in the United States, as defined in section 7(6), shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.").

34. Education for All Handicapped Children Act of 1975, Pub. L. No. 94–142, 89 Stat. 773 (amending the Education of the Handicapped Act to provide educational assistance to all handicapped children).

35. *See* U.S. DEP'T OF EDUC., THIRTY-FIVE YEARS OF PROGRESS IN EDUCATING CHILDREN THROUGH IDEA 5 (2010) https://www2.ed.gov/about/offices/list/osers/idea35/history/idea-35-history.pdf (listing the four purposes of the Education for All Handicapped Children Act of 1975); GOLLNICK & CHINN, *supra* note 32; SPRING, *supra* note 17, at 84–85. Prior to the passage of this comprehensive legislation nearly half of the children with disabilities living in the United States were shut out of publicly funded education. *See* U.S. DEP'T OF EDUC., *supra*, at 3. Those who managed to attend public schools were likely denied the special educational services they required and were often pushed into the most inappropriate and unsightly areas in schools. *See* SPRING, *supra* note 17, at 83.

36. Education of the Handicapped Act Amendments of 1990, Pub. L. No. 101–476, 104 Stat. 1103, 1141–42 (amending the name of the law to Individuals with Disabilities Education Act).

37. *Id.* at 1142–51 (amending the terminology used in all sections that reference "handicapped" children" to "children with disabilities"). Educators and educational researchers now say "students with cognitive delays or mental retardation" rather than "cognitively delayed or mentally retarded students." *See id.* This subtle change in professional jargon is an effective way to dignify students with special needs. *See id.*

38. *See* SPRING, *supra* note 17, at 85.

compliance.[39] Some of the most prevalent education cases involve students who argue that their right to an adequate and meaningful education is being violated by schools that are not creating and implementing IEPs as required under federal and state laws.[40]

In *Brantley v. Independent School District*,[41] for example, a 16-year-old student argued the school district failed to provide him a "free appropriate public education" (FAPE) as required under the IDEA.[42] He sought general and punitive damages and placement in a private school as compensation for the school district's failure to provide him a FAPE.[43] The Supreme Court had previously upheld "reimbursement for private school tuition and related costs [as] appropriate provided the IEP calling for placement in a public school was inappropriate and the private placement by the parents was proper under the IDEA."[44] In order to support public funding for private school education, the plaintiff has to establish that it would be impossible for him to receive a FAPE in a public school setting.[45] At the summary judgment stage, the court concluded the IDEA does not allow for the award of monetary damages for past violations and withheld judgment as to whether he had satisfied his burden of proof for seeking compensatory education in a private school.[46] Also held in abeyance was the court's decision as to whether the school district was legally required to reimburse his parents for the cost of private education given the district's excessive delay in meeting its obligations to the student.[47] This case shows the types of relief families are reasonably seeking and the barriers and delays our laws often create with respect to holding school districts

39. *See infra* notes 41–48 and accompanying text.

40. *See infra* notes 41–48 and accompanying text.

41. *See* Brantley v. Indep. Sch. Dist. No. 625, 936 F.Supp. 649, 657 (D. Minn. 1996) (denying plaintiff's disability discrimination claims because genuine issues of material fact existed as to whether plaintiffs' child was unable to receive a free appropriate public education).

42. *Id.* at 652. The student identified as being part African-American and part Native-American and claimed the school district had subjected him to a racially hostile environment. *Id.* at 651, 657–58. The court found the testimony of a white parent who witnessed racial disparities in punishment unpersuasive, called her observations "sporadic," and excused the administrators for any apparent bias on the ground that they perhaps were unaware that white students were involved in at least one of the incidents the white parent recounted. *Id.* at 658.

43. *Id.* (seeking recovery on additional grounds, including "compensatory education in the form of money equal to four years'' education at St. Bernard's; . . . a future placement at St. Bernard's or a similar institution as part of Byron's' regular education; and . . . reimbursement for the 1994–95 school year when Byron actually attended St. Bernard's").

44. *Id.* at 655.

45. *See id.*

46. *Id.*

47. *Brantley*, 936 F.Supp. at 655, 661 (noting that proof of excessive delay may be used to demonstrate that private school placement was appropriate and could result in reimbursement).

accountable. In *Brantley*, it took six years for the court to conclude that some of the student's IDEA claims merited judicial review.[48] In the meantime, he was not receiving the level of education to which he was legally entitled, and his parents had to spend money on private school tuition to guarantee he did not fall too far behind.[49] Again, teachers, administrators, and parents should be working towards addressing these issues well before the courts have to get involved.

D. RESTORATIVE JUSTICE AS A MEANS TO DISMANTLE THE STPP PHENOMENON

Restorative Justice (RJ) is a theory that emerged approximately three decades ago as an alternative approach to criminal justice.[50] In stark contrast to the overemphasis on violence and retribution in criminal justice, RJ is grounded in relational theory and provides a roadmap for righting wrongs and healing harms.[51] Accountability, community safety, and competency development are three important tenets of RJ, which calls for the facilitation of peaceful exchanges and conversations of mutual respect, concern, dignity, and empathy for all parties involved in or affected by a crime.[52] RJ focuses on "repairing the harm caused by criminal behavior" through "cooperative processes that allow all willing stakeholders to meet," vent, be accountable, consider solutions, make amends and transform themselves, restore relationships, and improve their communities.[53] Thus,

48. *See id.* at 651–52. Plaintiff claims that the school district failed to provide her son with special education services as early as 1990. *See id.*

49. *See id.* at 651.

50. *See* Thalia González, *Keeping Kids in Schools: Restorative Justice, Punitive Discipline, and the School to Prison Pipeline*, 41 J.L. & EDUC. 281, 284 (2012) ("The first documented use of restorative justice in schools began in the early 1990s with initiatives in Australia."). Restorative Justice has been used to deal with student misdeeds in ways other than the typical punishments, such as suspensions, which ultimately promote further misbehavior and lead to juvenile delinquency. *See id.* at 300.

51. *See Theory*, RELATIONSHIPS FIRST: RESTORATIVE JUSTICE IN EDUCATION CONSORTIUM, http://relationshipsfirstnl.com/ theory/ (last visited Dec. 30, 2017) (explaining that relational theory "encourages transformative peacebuilding with engagement and connection that upholds respect, concern, dignity, and well-being for all").

52. *See* JESSICA ASHLEY & KIMBERLY BURKE, IMPLEMENTING RESTORATIVE JUSTICE: A GUIDE FOR SCHOOLS 6, https://www.sccgov.org/sites/pdo/ppw/SESAP/Documents/SCHOOL%20RJP%20GUIDEBOOOK.pdf (last visited Dec. 30, 2017) ("Schools may involve a wide range of people in the restorative justice process, including the victims, who are often teachers, school staff, bystanders, and other students, and the school community.").

53. *Lesson 1: What Is Restorative Justice?*, CENTRE FOR JUSTICE & RECONCILIATION, http://restorativejustice.org/restorative-justice/about-restorative-justice/tutorial-intro-to-restorative-justice/lesson-1-what-is-restorative-justice/ (last visited Dec. 30, 2017) (defining

RJ offers schools a more nuanced, humane, and educator-friendly framework for dealing with student conflicts and discipline.

School districts have been turning to RJ as a solution for curtailing school disciplinary policies that lead to the over-criminalization and eventual expulsion of students.[54] Those schools that have implemented RJ practices and techniques have seen the development of better interpersonal relationships between students, teachers, and school leaders.[55] While some school districts like Oakland, CA; Denver, CO; and Los Angeles, CA have reported successful implementation of RJ programs, other districts continue to allocate millions of dollars toward ineffective approaches to school discipline that tend to exacerbate student misbehaviors.[56] In its recent report, the Power U Center for Social Change, which has an office in Florida, called out Miami-Dade County Public Schools for allocating six times the amount of money in its 2017-2018 budget for "security services" rather than ramping up its financial commitment to rethinking school discipline as previously promised.[57] The nation's fourth largest school district, Miami-Dade, proposed to invest $3.2 million dollars toward investigating less punitive and exclusionary school discipline programs compared to the nearly $22 million dollars allocated for "security services."[58] Grassroots and community based organizations like Power U Center are raising awareness and putting pressure on schools who talk a good game, but fail to adequately fund programs and initiatives like RJ that aim to improve the quality and safety of schools for all children.

In fairness to policy makers, Congress is trying to stem the tide on the STPP phenomenon through legislative initiatives to keep children out of the criminal justice system, guarantee protections for incarcerated youth,

Restorative Justice).

54. *See* MONIQUE W. MORRIS, PUSHOUT: THE CRIMINALIZATION OF BLACK GIRLS IN SCHOOLS 226–30 (The New Press, 2016); González, *supra* note 50, at 303 (explaining that schools implement Restorative Justice programs not only to lower expulsion and suspension rates, but also to "address issues of school safety, disrespectful relationships and behaviors or to improve academic success and student performance").

55. González, *supra* note 50, at 285–86. For example, a high school in Philadelphia that implemented an RJ program was successful in building better student-staff relationships. *Id.* at 316–18.

56. *See, e.g.*, MICHELLE ALEXANDER, THE NEW JIM CROW: MASS INCARCERATION IN THE AGE OF COLORBLINDNESS 199 (The New Press, 2012) ("Because black youth are viewed as criminals, they . . . are . . . 'pushed out' of schools through racially biased school discipline policies.").

57. *See* POWER U CENTER, MIAMI-DADE COUNTY PUBLIC SCHOOLS: THE HIDDEN TRUTH 16 (2017), http://poweru.org/wp-content/uploads/2017/10/Final-Power-U-Report-October-Web-Resolution.pdf (criticizing the school district for never investing this much money in more effective school disciplinary programs).

58. *See id.*

and advance RJ models as opposed to a "lock them up" approach.[59] Moreover, counties in states like Florida are experimenting with civil citations and other diversion programs so students can avoid having a criminal record, which can impact their ability to get into college, enter the military or gain other employment, among other collateral consequences.[60] Unfortunately, a 2017 study reviewing the success of Florida's civil citation program reveals that only four percent of counties earned an A or B for their implementation of the program, with Miami-Dade, Monroe, and Pinellas Counties being the top performers.[61] While the number of student arrests have decreased, there were still nearly 9,000 arrests in 2017 for offenses that are viewed as common youth misbehavior.[62] Therefore, much work still needs to be done to ensure the benefits of diversion programs are fully realized.

The common expression that "it takes a village to raise a child" places the onus of educating today's children on the shoulders of all concerned adults, including parents, teachers, administrators, case workers, lawyers, and judges. Within reason, schools are charged with providing children with necessary skills and knowledge needed to succeed in society and life in general.[63] Teaching children how to tolerate differences of opinion as well as how to resolve conflicts in a civil fashion are among some of the most important tasks schools must accomplish.[64] Progressive school districts teach children how to express themselves clearly, communicate

59. *See, e.g.*, Supporting Youth Opportunity and Preventing Delinquency Act of 2016, H.R. 5963, 114th Cong. (2016) (amending provisions under the Juvenile Justice and Delinquency Prevention Act of 1974); Juvenile Justice and Delinquency Prevention Reauthorization Act of 2017, S. 860, 115th Cong. (as passed by Senate, Aug. 1, 2017) (amending provisions of the Juvenile Justice and Delinquency Prevention Act of 1974).

60. *See* AMERICAN BAR ASSOCIATION: CRIMINAL JUSTICE SECTION, STATE POLICY IMPLEMENTATION PROJECT, https://www.americanbar.org/content/dam/aba/administrative/criminal_justice/spip_civilcitations.authcheckdam.pdf (last visited Dec. 30, 2017) ("[T]he state of Florida enacted Florida Statute § 985.12, [which] . . . authorizes counties to implement civil citation programs for first-time and second-time misdemeanants in lieu of arrest and a juvenile record.").

61. DEWEY CARUTHERS, STEPPING UP: FLORIDA'S TOP JUVENILE CIVIL CITATION EFFORTS 4, 7 (2017), http://caruthers.institute/wp-content/uploads/2017/10/Study-2017-FINAL.pdf.

62. *Id.* at 8 (finding that common youth misbehavior arrests were down to 24 per day in 2017 as compared to 33 per day in 2016).

63. *See generally* LISA DELPIT, OTHER PEOPLE'S CHILDREN: CULTURAL CONFLICT IN THE CLASSROOM (The New Press, 2006).

64. *See* LORETA NAVARRO-CASTRO & JASMIN NARIO-GALACE, PEACE EDUCATION: A PATHWAY TO A CULTURE OF PEACE 68 (Ctr. for Peace Educ., 2008), http://www.creducation.net/resources/Peace_Education_Castro_Galace.pdf ("There is a need for schools to educate citizens who are appreciative of other cultures, respectful of human dignity and differences, and able to prevent or resolve conflicts amicably.").

what they want to accomplish, and make a valuable contribution in life without creating conflicts or infringing upon another person's rights, ideas, needs, or safety.[65] RJ is a revolutionary approach towards achieving that goal.

III. CONCLUSION

Dismantling the STPP phenomenon requires the effort of all concerned citizens. A solution will not miraculously appear without active involvement of individuals who sincerely care about the future of this country. While it is important to reflect on harmful school disciplinary practices, the sting of these criticisms is accompanied with a high dose of appreciation for free public education. The United States' model, while still falling short in certain aspects, does expose the unlimited student potential to further advancements that create a better society for all people.

65. *See, e.g.*, JANE NELSEN ET AL., POSITIVE DISCIPLINE IN THE CLASSROOM: DEVELOPING MUTUAL RESPECT, COOPERATION, AND RESPONSIBILITY IN YOUR CLASSROOM 3–4 (Crown Publ'g Grp., 4th ed. 2013) (discussing the benefits of "Positive Discipline" in the classroom).