

Spare the Rod: Reforming School Discipline
Web Transcript

From American Public Media, this is an APM Reports Documentary

Student: I got in a little fight and they told me I couldn't come back

American schools suspend nearly three million students a year

Walker: African American and American Indian students are consistently suspended at far higher rates than any other student groups

But research shows that suspension doesn't work, and it can put kids on a path to dropping out.

Noguera: We have many schools where we're punishing the same kids over and over again and no one is ever asking the question, why isn't our strategy working?

Coming up: Spare the Rod: Reforming School Discipline, from APM reports.

(clunking, door squeak)

Every weekend, Russel Balenger goes to visit kids who are locked up in juvenile detention centers.

Balenger: Hi, how you doing?

Balenger: We are at Boys Totem Town. It's a boy's correctional facility. It's my Saturday morning circle with them.

Russel is 65. He grew up in an African American neighborhood in St. Paul Minnesota, and raised his kids there. He's been worried about the young people in the neighborhood for a long time – and a few years ago he decided he'd had enough.

Balenger: It was 2010 and my grandson had been shot a couple times in the previous summer. I just knew that the shooting was going to start again so I just decided I'm not going to let him die in this gang violence.

Russel started meeting with families that had kids in gangs ... and he started visiting the kids in lockups like this one.

Balenger: downstairs, huh?

He says a lot of the young people in the corrections system were arrested after they got in trouble at school ... and schools turned them over to police.

Balenger: In the private schools you don't see an officer anywhere near the school. it doesn't look good for them. But in our public schools - where these minorities go - they've got an officer right there in the school who can be called upon as soon as a teacher looks and says this child is being disruptive, come and get him out.

At Totem Town, eight teenagers are sitting at tables arranged in a rectangle in a concrete block conference room. They're all African American – all here because they broke the law.

[walkie-talkie]

Two guards with walkie-talkies sit with them. Russel leads them all through what he calls a circle of peace.

Balenger: The circle has rules and I'm going to read them to you. You can only talk when you have the talking piece. That'll be this today.

The talking piece is a small shiny rock, like a skipping stone.

Balenger: we're talking about how about issues we may have had in school contributed to being here. The school to prison pipeline. Can you give me an idea of what you feel like school was for you?

[radio]

Teenager 1: Uh, for me, school was just like.... A place to chill. I wasn't really getting my education. I was too worried about other things-

Teenager 2: I never really went to school. I stopped my freshman year.

Teenager 3: I got in a little fight and then I guess they told me in a way I couldn't come back because of my credits, but I knew they didn't want me there, so...

Laurie Stern: can I ask a question?

Balenger: Yes. Laurie wants to ask a question.

That's one of our producers, Laurie Stern.

Stern: I would like to know, of all you here- how many people were suspended by the schools.... 1, 2, 3, 4, 5.....? So everybody here? You, too?

All eight of these young men were suspended from school and later expelled -- or they dropped out. Maybe that doesn't surprise you. You'd expect that guys who get locked up would have trouble in school first.

But maybe that's not the whole story.

Recent research suggests that getting suspended is not just a *signal* that a young person is headed for trouble. Suspension itself may actually *contribute* to later trouble. Take similar kids, from similar backgrounds, who commit similar offenses at similar schools. Suspend some but not others and the kids who are suspended are more likely to land in the juvenile justice system later.

Noguera: When you deny kids learning time they fall behind academically cause they're not in school

Pedro Noguera is a professor of education at UCLA

Noguera: Many times there's no provision to make up work you missed because you were in trouble. But secondly the longer you've been put out the more discouraged you become.

A student who is suspended in ninth grade – even just one suspension – is twice as likely to drop out later. And kids who are suspended are more likely to get in trouble with the law. Even worse, Noguera says, suspension doesn't work in the first place. It doesn't make kids behave better when they come back to school. But nearly three million kids are suspended from American schools every year.

Noguera: We have many schools where we're punishing the same kids over and over again and no one is ever asking the question, why isn't this working?

[Music]

Over the coming hour, we'll explore how suspension came to be such a widespread form of discipline in America. We'll look at why kids of color are more likely to be suspended than white kids. And we'll visit schools that are trying to change – dropping harsh discipline policies to try to keep more students in school and out of juvenile detention centers.

To start, here is producer Catherine Winter.

Winter: Central High School sits just south of the freeway that cuts through Russel Balenger's neighborhood in St. Paul.

[sound of hallway]

Central has about 19-hundred students. In the halls you see kids from lots of backgrounds. It's about a third black and a third white. There are Latinos, Native Americans and Asian Americans; Central's students speak 39 different languages at home. More than half the kids are poor enough to qualify for free or reduced price lunch. But there are middle class kids, too. And there are kids who get in trouble – and kids who don't.

Jonathan: Well, I've never been suspended.

This is Jonathan. He's a junior.

Jonathan: I don't think I know anyone personally who's been suspended.

Kids DO get suspended from Central. But they're usually not the kids in the advanced classes Jonathan takes.

Hirman: Good afternoon everybody!

Like Josh Hirman's Nonfiction English class.

Hirman: Look at next week, please. So Tuesday, the 31st, that's when your project is due.

Mr. Hirman's students have been doing audio and video projects. We asked some of them to do a project for us: to record the sounds of Central High and tell us about their experiences with discipline. A senior named Reed made this recording:

[front hall noise.]

Reed: It's Friday, May 13 and I'm in the entranceway of Central High School. it's 7:30 so any students who come in have to sign a late pass to get to class and an unexcused tardy to class results in Saturday school, so (sighs) a lot of kids get Saturday school.

Reed says he's late a lot, but in his years in high school, he's only been sent to Saturday school once. He leaves the entrance and heads upstairs to class.

Reed: So Mr Scroggins is the guy you might have heard yelling down in the lobby. He's just trying to get students to stop loitering and get to class. But I mean I was just there pretty much loitering and no one paid any attention to me. If they see me, they think I'm doing well intentioned things instead of not going to class even though I have definitely taken advantage of that many times.

Reed figures he doesn't get punished because he gets good grades, and he's not known to act up. But there's also the fact that Reed is white. And you're less likely to get suspended if you're white. In the 2014-to-15 school year, Central suspended 2 percent of its white students, and 14 percent of its black students.

Mackbee: We're very conscious of the number of white kids we suspend as opposed to the number of black kids

Mary Mackbee is Central's principal. She's been working in St. Paul's schools since the 1960s. She was the district's first African-American high school principal.

Mackbee: We've looked at why we suspend white kids as opposed to why we suspend black kids. And for white kids, it's usually drug use, cheating, more academic issues, white kids who sprayed the fire extinguisher all over, you know.

Winter: What do black kids get suspended for?

Mackbee: Usually for fighting. Weapons, threatening behavior towards teacher, or like what we say the willful disobedience, really outlandish calling out of teachers and stuff like that in the classroom.

Mackbee thinks the differences are about social class – the black kids tend to come from tougher backgrounds.

But research shows that poverty alone can't explain racial disparities in discipline.

Skiba: That's correct.

Indiana University professor Russell Skiba has been studying school discipline for decades. He says it's true that kids from poor families are more likely to get in trouble in school. But if you compare kids that come from the same socioeconomic background, black kids are still more likely to be suspended than white kids. Middle class black kids are more likely to be suspended than middle class white kids. And Skiba says that's not because black kids are more likely to act up in school.

Skiba: We have not seen any evidence that African American students are engaged in higher rates of more serious behavior than other students in the same schools, in the same districts. In fact, what we found was that they seemed to be referred to the office more for subjective reasons rather than more objective reasons

Subjective reasons like loitering, disrespect, threatening behavior. Things that are in the eye of the beholder.

Skiba points to one study where teachers were asked to look at a series of anecdotes about student misbehavior. Different teachers got the same stories – only the students' names were changed.

Skiba: They would use a white sounding name like Jennifer versus an African American sounding name like Jamal.

The teachers that got the African-American sounding names were more likely to say the kids were troublemakers and to prescribe harsher discipline for them.

That might help explain why, nationally, a black child is nearly four times as likely as a white child to be suspended. Even in preschool.

Skiba says there's no evidence that suspension makes kids behave better, or acts as a deterrent for kids who are still in school. And he says being out of school has serious consequences. Many studies show a strong correlation between being disengaged with school ... and winding up in trouble with the law.

So how did suspension come to be such a widely used form of discipline?

That seemed like a good question for a historian.

Kafka: My name is Judith Kafka, I'm an associate professor at Baruch College in the school of public affairs, and I'm a historian of education and education policy.

Judith Kafka says in some ways discipline has changed a lot since the days of the one-room schoolhouse back in the 19th century.

Kafka: And A lot of the things they did in school, today we would just be appalled by... You know making them kneel on sharp objects, or stand for a very long time or yeah get hit by a hand or a ruler or a switch.

Some people thought beatings would build character. But not everyone thought that sparing the rod would spoil the child.

Kafka: There were a lot of reformers in the mid-1800s who said this is not how children learn best. It's not how they learn content best, if we think about reading or social studies or whatever it is. But it's also not really how they learn to behave best because if all they learn is compliance, once the authority figure leaves, they don't know how to behave.

So there was debate about HOW to discipline children. But Kafka says what everyone DID agree on was that discipline was an inherent part of a teacher's job.

That changed after World War II.

By then, one-room schoolhouses had given way to bigger schools, with multiple classrooms ... and if you got in trouble, you could get sent to the principal's office.

[archival] **Teacher:** Won't you sit down, Jim.

In this 1949 educational film, it's the kindly principal who deals with a young vandal – not the teacher.

[archival]

Student: I'll fix the desk, Mr. Edmonds. I'll sand it down. You won't be able to see where I scratched it at all.

Teacher: That's a good idea, Jim.

Historian Judith Kafka says teachers were happy to let principals take over the job of punishing students.

Kafka: Teachers wanted discipline to be put in their contract. So they could say, 'this isn't my job. I'm supposed to teach English. I'm not supposed to be dealing with the behavior problem.' The behavior problem then should be dealt with outside of the classroom.

A kid who's disrupting class should be taken away for punishment, or maybe sent to a school psychologist or social worker. Or to reform school

[I'm Not a Juvenile Delinquent song....]

In the 40s and 50s, there was a widespread fear that kids were out of control – under the influence of comic books and movies and rock n' roll music. Newsreels warned of a crisis of juvenile delinquency.

[ARCHIVE]

Announcer: Juvenile delinquency now is recognized as a major problem by the top law enforcement officials of the land.

Later, scholars argued that the rise in juvenile crime was greatly exaggerated. But many people thought schools really looked like the classrooms in the 1955 movie *Blackboard Jungle*...

[ARCHIVE]

Announcer: *Blackboard Jungle* deals with an explosive subject: the teenage terror in the schools!

Kafka: there were all these hearings after the movie came out about what's going on, about the crisis in our school

Judith Kafka says this fear of chaos continued in the next decades. It was fueled by the Civil Rights protests in the 1960s and then by rising crime rates in the 1970s. The number of kids getting suspended started to rise. Many scholars argue that after desegregation, suspension was used as a way to push black children out of school. In the 1970s, black students were twice as likely to be suspended as white students.

[ARCHIVE]

Various Announcers: This is crack... It's crack, it's rock cocaine... A new kind of cocaine called crack, a drug so pure and so strong it might just as well be called the crack of doom

The crack epidemic of the 80s and 90s triggered a renewed fear of gang violence and greater efforts to punish criminals both in and outside of schools.

Clinton: We cannot let violence, guns, drugs, stand between our children and the education they need.

President Bill Clinton signed the Gun-Free Schools Act in 1994. By that time, the era of "zero tolerance" was already underway in American schools. Under zero tolerance policies, a student who violated some school rules faced mandatory penalties. For some infractions, schools were required to turn kids over to the police.

By the 1996 school year the great majority of school districts had adopted zero tolerance policies. And over the next decade, the number of public high schools with full time security guards or police officers in the building tripled. But then,

[ARCHIVE] ABC News: We're going to take a closer look at school security.

Stories like this one began popping up in the news. A 10-year-old Florida girl got caught stealing a few lollipops on a school field trip.

[ARCHIVE] Announcer: Under zero tolerance, school officials were required to suspend the girl from the 3rd grade and call the police. She was read her rights, and charged with criminal mischief.

One kid got charged with using an egg as a deadly weapon. A 7-year old Maryland boy was suspended after biting his Pop-Tart into the shape of a gun.

[Music]

The number of school-based arrests rose dramatically under zero tolerance – even though school-based crime stayed about the same. Worse, research was finding that zero tolerance didn't work. It didn't deter misbehavior. And even though the rules were supposed to be the same for everyone, kids of color were getting punished and referred to police more than white kids.

Weingarten: Look I think it's hard to admit when we're wrong.

Randi Weingarten is president of the American Federation of Teachers. The AFT and other teachers' unions supported zero tolerance at first. But now Weingarten says it created a toxic mess in public schools.

Weingarten: it didn't help us get to the safe and welcoming school environments that every parent wants for his or her child. That every teacher wants and that every student needs. When you see that you're wrong, you have to say that you're wrong and apologize for it.

In 2014, the federal Departments of Education and Justice sent a letter to state education commissioners. It said out-of-school suspensions and expulsions should only be a last resort, limited to only the most serious infractions. And if schools punish students of color more than their white peers, they risk being investigated for civil rights violations.

[Music]

Now school district officials have this data that shows they've been punishing kids of color more than white kids. They know they need to change, but when you try to fix a racial inequity, it's hard to please

everyone. There are people who don't even believe the inequity exists. And there are people who are sure it does, but who don't trust the school district to fix it. So things get tense.

That's what happened recently in St. Paul.

Producer Laurie Stern lives in St. Paul and she writes about education.

Stern: I remember hearing back in 2011 that St. Paul schools were going to get an overhaul.

Board of Education Meeting Announcer: Good evening and welcome to the board of education meeting for the month of February 2011.

Stern: At a meeting early that year, the school board heard from Michelle Walker, who was the district's chief accountability officer then.

Walker: African American and American Indian students are consistently suspended at far higher rates than any other student groups.

Winter: That school year, an African American child in a St. Paul elementary school was 16 times more likely to be suspended than an Asian child.

Stern: So the district was trying something new. Teachers would get training in cultural sensitivity – to try to reduce racial disparities. And schools were no longer allowed to suspend children for what the handbook called “willful disobedience.”

Walker: Now, unfortunately, some people saw that as we were saying ‘do not suspend students’.

Stern: Michelle Walker is district CEO now. She says the district never banned suspensions, it just stopped suspending for infractions like mouthing off or being disruptive in class.

Winter: But some teachers took the new policy to mean they'd better not send a kid of color to the principal's office. The district had asked principals to keep a careful watch on disparities. For a brief time, reducing suspensions was part of the formula for calculating principals' bonus pay.

Faber: We did see that shift from going from a zero tolerance to all of the sudden nobody was getting suspended and discipline or school climate issues weren't getting addressed at all.

My name's Nick Faber. And I am a teacher here in St. Paul for the last 29 years, and also the vice president of St. Paul federation of teachers.

Winter: Faber says teachers wanted to help low-income kids of color do better. But the new discipline policy didn't do that.

Faber: that did look good on paper. But when you walk into the buildings especially our middle schools you saw a whole lot of chaos going on. Meaning, students were still acting out in many ways but those behaviors weren't being dealt with. So we still had a number of racial inequities going on, we didn't have kids' needs being met. Instead of just blaming students for that, we were blaming students and teachers for that.

Stern: A lot of teachers told me they didn't feel like they could send students to the office, and they didn't feel like their principals had given them any other options for dealing with misbehavior. They said students knew they wouldn't get in trouble, so they wandered the halls and swore at teachers. And worse.

Student: Oh my god! They fightin a teacher! Ohh my god

Winter: This is cell phone video of two students tackling a teacher in the hallway. And there were other incidents that made headlines.

[Archive news tape]

Newscast: Good evening. A sixteen year old St. Paul student is accused of body slamming and choking his teacher

Newscast: St Paul police classify this fight at a school as a riot

Newscast: In recent months, St Paul public schools have had two other teachers assaulted on the job.

Newscast: The latest in the string of violent assaults against teachers in St Paul schools

It's not clear whether there really was more violence in schools under the new discipline guidelines, or whether it was just getting more media attention. Statistics from the school district show an increase in what the district calls aggression to staff, but the numbers show a decrease in fighting, weapons, and disruptive behavior.

Still, parents were worried.

[knocking]

Nene: Hello! Come on in!

Rainbow and Rafael Espinosa have four kids in the St. Paul schools.

Rainbow Espinosa: Got the major welcome committee.

Winter: I'm Catherine

Nene: We have a bunny!

Winter: Nene and Lili are the two younger kids. It's early spring, and they're still excited about the rabbit they got for Christmas.

Nene: His name is Mopsy!

Rainbow Espinosa: Okay, go upstairs. Go play.

Rainbow says that recently, a boy in Nene's first grade class threatened to kill him ... but the next day that boy was back in class. She thinks kids need stricter discipline.

Rainbow Espinosa: We got kids literally climbing bookshelf in the classroom and the teachers don't feel that they're able to do anything about it.

Laurie Stern: Rainbow's husband, Rafael, is from Mexico. The Espinosas say they know that when schools crack down on discipline, kids who look like theirs are more likely to be punished. But they say Nene HAS been misbehaving at school, and they want him to face consequences.

Rafael Espinosa: Later on there's definitely going to be consequences. So if he is not learning right from wrong, no employer is going to put up with that, and the police are not going to put up with that either.

Rainbow Espinosa: I have been, my whole life I have been fighting social justice issues. I think that when I think about the fact that we're trying to reduce suspensions and reduce disciplinary actions in theory that sounds really good to me. The problem is that we have a pendulum that has swung way too far the other side.

Laurie Stern: By spring of 2016, the pendulum was swinging back. Suspensions were back up in St. Paul schools. They'd never gone down much and the district had never closed the discipline gap; kids of color were still more likely to be suspended.

Allen: You need to step to plate and put some serious pressure on these racist teachers.

Laurie Stern: This is Chauntyll Allen during the public comment period at the St. Paul School Board meeting in March of 2016:

Allen: This racism is causing our kids to disrupt classrooms and then you see attacks that are happening, and you try to blame it on them.

Catherine Winter: The board heard from angry parents of black students, and then a white guy stood up, a substitute teacher named Jim Endres. He asked the board to support teachers.

Endres: I have never met a teacher anywhere that wouldn't give the shirt off his or her back

Crowd: Bullshit!

Endres: ...for his kids. Today we have something called political correctness

[laughter]

Endres: There is a

Crowd: *[loud boos]* You don't care about our students... Sit down! ...Ridiculous!

Laurie Stern: Some people left their seats and surrounded him.

Crowd: Let the kids talk! This is about our kids, not racist teachers!

Laurie Stern: After several minutes, someone dimmed the lights. The superintendent and most of the board members slipped out a back door to wait for things to cool down.

Catherine Winter: When the meeting finally resumed, board members approved a new teacher contract. Teachers had been threatening to strike over discipline issues, and the new contract explicitly addresses discipline. It calls for pilot programs in restorative justice at six schools.

Laurie Stern: A LOT of school districts around the country are facing the same frustrations as the St. Paul schools when they try to reduce suspensions. And a lot of them are pinning their hopes on restorative justice as a way to reform school discipline.

Catherine Winter: Coming up, we'll hear about what restorative justice is and why so many people hope it can transform schools. And we visit a district that has managed to narrow its discipline gap.

Greer: When we expel a kid, it's actually a failure on our part as a district. We didn't figure out in time how to really reach that kid.

Stephen Smith: This is an APM Reports documentary: Spare the Rod: Reforming School Discipline. I'm Stephen Smith.

Wolf: What's happening. Are you okay?

This is North High School in Denver. It's a Thursday afternoon, and Principal Scott Wolf is walking the halls.

Wolf: I'm just gonna fill him in. Coleman what's going on.

He spots Michael Coleman, a school dean, steering a lanky young man down the hallway. Mr. Wolf wants to know what's up.

Coleman: Under the influence.

Wolf: Where's he supposed to be?

Coleman: He's going with Miss Wenz to call his mom and then he's going to be in in-school suspension.

Wolf: Ok

The boy's been drinking. Or something. His eyes are red. And he weaves when he walks. The dean is bringing the student to the office but not sending him home. Instead, he will go to in-school suspension, where, when he sobers up, he might do some school work.

Since 2004, Denver has cut the number of students in out-of-school suspension by more than half. Now, the district tries to provide consequences inside the school walls.

[Unlocking, Knock knock],

Wolf: Hi Mr. Lucero

Mr. Wolf stops in to visit in-school suspension Three students are sitting at their desks writing.

Wolf: Theo, Damien, Ray. Ray, my man. What brings you in here today?

Ray: I had a rough day yesterday.

You could call this the time-out room. Students who've had a behavior problem come here to work on corralling their emotions. But they're also required to think about what they did.

Wolf: Okay and what have been your reflections of being in here?

Lucero: Show him your notes.

Ray: I did a report. On threatening teachers and the consequences.

Wolf: Great.

Ray: And I'm gonna make a poster about it.

Wolf: Awesome

The idea is to do better next time.

Wolf: Then what are you going to do with this report and with this poster?

Ray: I'm gonna show when you make negative decisions what can happen and the consequences.

Wolf: And sometimes we're still gonna get frustrated, right?

Ray: Yeah

Wolf: And so what are you gonna do to help control your emotions in those situations?

Ray: Just hold in what I have to say until I'm in a room alone. Or until I calm down.

Wolf: Cool. Nice. Good reflections, Ray.

As they work, the students refer to some writing prompts on a white board. Ray reads them off.

Ray: And then there's questions right here that say: What happened. Who was harmed? What role did you play in the incident? What can you do to fix the harm that was done?

Those questions are the basis of "restorative justice." What happened? What can YOU do to make it better?

Thalia Gonzalez studies restorative justice in schools. She's a professor at Occidental College in Los Angeles. She says restorative justice is more a philosophy than a set of practices, but it often involves conferences between adults and students, maybe including their parents. Or it might be a student sitting down with a circle of people who were harmed in some way by something the student did.

Gonzalez: Aim is to reach resolution at the end. Bring it to that place of restoring a trust, addressing harm, making amends.

This is what a lot of people in education are pinning their hopes on to replace a discipline system where millions of kids are suspended from school every year. The data is in that kids of color are suspended more than their white classmates and being suspended makes kids more likely to drop out and more likely to wind up in trouble with the law. So schools are looking for a better way, and a lot of them are looking at restorative justice. Schools in Los Angeles, Oakland, Pittsburgh, New York, Boston and in at least 27 states. The entire state of Texas is adopting restorative practices.

Advocates hope this approach can help keep kids in school.

Greer: When we expel a kid, it's actually a failure on our part as a district. We didn't figure out in time how to really reach that kid.

Eldridge Greer is the associate chief of student services for Denver Public Schools. His job is to make sure students have what they need to learn. He says kids do not need punishment to learn. They might need breakfast, or mental health support. It's up to the adults at school to figure that out, he says.

When people in education talk about making restorative practices work, they often point to Denver as an example. Denver tried it earlier than most other districts – back in 2005. And now Denver is putting restorative practices in place at all its schools.

So Denver's a good place to look at what restorative practices are, and how they work. And what it takes to get a school district to change. Because the district wasn't always receptive to the idea. It got pushed into changing its policies by a group of parents who were fed up with having their kids kicked out of school. Producer Laurie Stern traveled to Denver to hear that story from the families who are still pushing Denver's schools to teach their kids, not kick them out.

Laurie Stern: Lorena Limón is trying to soothe her baby girl with a bottle. They live in a basement apartment in Southwest Denver with Lorena's husband and three other kids.

Lorena says it's a good building, but the police have been a constant presence at the projects next door

Limón: vino la policía, el SWAT el antidrogas, ...

She says the SWAT team has been out and there've been lots of drug busts.

Limón: Muchos problemas

Lorena's three older kids go to Denver schools. Yenson is six and he's in first grade

Yenson: Los tiburones.

Limón: Los tiburones y dinosaurios. Archaeologica

Lorena says he'd like to study sharks and dinosaurs when he grows up... He loves school -- and his mother makes sure school loves him back: She was furious last year when the school called and told her to pick Yenson up because he'd said a bad word. She found out a white kid had said the same word, but only Yenson was going to be sent home.

Limón: Dije porque Yenson, los dos cometieron la misma falta Si se vayan mi hijo, si se vayan el otro niño Si no vaya el niño, tampoco me llevo a mi hijo.

She told the principal she wasn't taking her son home unless the other boy was sent home, too.

Limón: dice porque conozco mis derechos

Lorena said she knew what her rights were. And she did, because she recently got involved with a group called Padres y Jóvenes Unidos,

Ricardo Martinez: Padres and Jóvenes translates into parents and youth.

Ricardo Martinez and his wife Pam are the group's founders. Ricardo told me the story of how Padres got started. Back in 1992, parents were outraged by how a principal at a grade school was punishing kids at lunchtime.

Ricardo Martinez: At this one school, the policy was, if you spoke English you got to sit in the lunchroom in the corner at the tables- but if you were a Spanish speaker you sat in another corner, but you sat on the floor.

Ricardo says parents complained, but nothing changed, so they held a protest.

Ricardo Martinez: My wife saw them on TV and she called and we went to support them. We all got involved, we all came together and we were successful in our efforts to change that practice and get rid of that principal who never apologized, who never admitted wrongdoing and that was the creation of Padres Unidos.

Pam Martinez: – we would get calls once we got known- and it was in schools of color. And even though we were not in the black community we would get calls to see if we could help them.

In 1999, Padres Unidos was invited to a conference hosted by a new national civil rights group called Advancement Project.

Pam Martinez: Jesse Jackson was there; different senators were there. Heavies in the field of education. And me and one mother from the east-side- Cole Middle School sat there together, trying to understand what they were saying- and what they were saying was, it is systemic and there's something called 'school-to-jail track' they weren't sure quite yet how it happened- but they did feel that there was a direct correlation of kids of color being pushed out a lot of schools. And contributing to this huge over-population of incarceration in this country. So that's where we first made the link. And we went Oh! This is fascinating! Maybe this is what happening to us.

Maybe the reason there was a disproportionate number of people of color in prison had something to do with the disproportionate number who were kicked out of school.

[MUSIC]

Denver had a tough discipline policy in the 1990s. A zero tolerance policy meant to keep weapons out of schools. Most American schools had similar policies.

[Archive] **Newscaster:** Eyewitnesses say the two gunmen wearing black trench coats and black masks came in shooting and began working their way through the school.

But Zero tolerance didn't keep the killers out at Columbine High School – in 1999. Two students shot 34 people at the school about a half hour from Denver, and then killed themselves. Thirteen of their victims died. The nation was horrified. After Columbine, Colorado and many other states doubled down on school discipline. New laws called for expulsion or suspension not just for bringing weapons or drugs to school, but for things like fighting or making threats or disrupting class. Schools installed metal detectors and hired police officers. In Denver, school referrals to police went up 71 percent. Most of those referrals were black or Latino kids.

Ricardo Martinez: we were asking for limits on the police.

Here's Ricardo Martinez again.

Ricardo Martinez: North High School at that point was under siege. Every day during lunch at the end of school there were at least 4 squad cars out there and blaring on the PA, "go home, get on the bus, go home!" the police presence created such an impression that everyone thought all these students were criminals.

Padres Unidos had become Padres y Jóvenes Unidos: Parents and Youth United. The group started hearing about tough schools in other parts of the country that had turned around their discipline policies. So Padres applied for a grant from the state, and beginning in 2006, that grant funded pilot programs in restorative justice in four Denver schools, including North High. The hope was that using restorative practices would reduce suspensions – and it did.

Greer: Not only do we see overall suspension rates decreasing but we see the racial gap in suspension rates decreasing.

Thalia Gonzalez studied the effect of those pilot programs in Denver.

Gonzalez: The African American rate before was 17.61 percent and you see overall suspension rates for African American students decreasing to 7.2 percent.

Gonzales says early data from Denver and other schools show restorative practices may have other benefits, too. In some districts, achievement went up after restorative practices went into effect – schools posted better test scores, higher reading levels and more kids made it to graduation. In Denver, students didn't cut school as much. Researchers asked them why.

Gonzalez: So why did your attendance improve and why did your tardies improve. Students themselves were talking about how they wanted to be in their classroom now. Their teacher treated them with respect.

At North High School in Denver, the number of fights went down. Ben Cairns was a restorative justice coordinator at North starting in 2007.

Cairns: One thing I really looked to was not just are we reducing suspensions and expulsions. But are we actually changing students' behavior? Are we actually changing the culture and the climate of the school?

In 2008, Padres y Jovenes won a big victory: The Denver schools agreed to change discipline practices district-wide. All schools would use restorative practices instead of punitive approaches. School officials would be prohibited from referring kids to law enforcement in most cases.

Ben Cairns moved on to a new job – as principal of Cole High School.

[snapping and clapping]

At Cole High School, students snap their fingers to show approval during announcements. It's a quiet way of clapping. Most of them are black or brown kids from low-income households. They're sitting in the commons area, where the whole school gathers every morning. The assembly is a time to share information and start the day with school spirit.

Administrator: Have an awesome Thursday. 10th graders go to class.

After the meeting, Ben Cairns asks if I'd like to talk to a student named Noah, because Noah's an example of how things have changed in Denver. Not long ago, Noah brought some brass knuckles to school. He says he's not sure why he did it.

Noah: I guess I thought it was cool or something... like I'm not really feeling threatened or something, but it was just in case. I guess it is the biggest thing... I just kinda had them.

Stern: So how did you get found out?

Noah: They had fallen out of my pocket and one of the teachers saw.

Stern: And then what happened?

Noah: He went and turned it in to Mr. Cairns. Mr. Cairns asked me to go back to his office.

And if the old discipline policies had still been in effect, Mr. Cairns would have been required to refer Noah to the police.

Cairns: I would have had to go for an expulsion had it been pre-2008. Which would have been nonsense, this is a good kid who just needed to talk and learn. I met with him and his dad and he did some reflecting. I would have been ridiculous to have to expel him.

Noah says part of the deal he made with his dad and Mr. Cairns was that he would work harder in school, so he can get into an AP biology class. He's glad the school uses restorative justice.

Noah: It just gave me a chance to be welcomed back in my community. Because I mean, personally, I don't think I am a bad kid.

This is one example of how restorative practices work at Cole: a meeting with a kid and his dad, an agreement to do some things differently, a sort of reparation. For some incidents, Mr. Cairns just meets with the kids

Cairns: We'll start with M&Ms in the hallway and go from there.

Ben Cairns has a couple of 10th graders in the office. Yesterday, a teacher caught them throwing M&Ms in the hallway

Marcus: I did not have a problem. I was like--I will clean it up blah blah blah but then she started trying to embarrass me and so I was like--it made me mad.

Cairns: How was she trying to embarrass you?

Marcus: She was like it's people like you who --I don't know, I stopped listening after she said that people like you who take our... What did she say?

Kyrie: it's people like you who are the reason why we can't have privileges or something like that.

Cairns: Well you were throwing food in the hallway. I understand you may have taken offense to what she said, but what point do you think was she trying to make?

Marcus: Not to throw food in the hallway.

Cairns: No she was making a bigger point than that, what was the bigger point she was trying to make? I'm guessing she was saying something to the effect of, you're choosing to throw food in the hallway, that's why we don't have food in the hallways. That's why no one gets to have food in the hallway is cause of that kind of choice. Cause your two level of irresponsibility then causes us to have rules that impinges on everyone's ability to have food in the hallway. You think that's what she was trying to say?

Marcus: I can see that

Cairns: You can see the point? Maybe she did not frame it in the right way or you were not in the right headspace to hear it. But I am guessing that was the point she was trying to make. Let's go back to you throwing food in the hallway. So, Kyrie, talk to me about your last couple of days here because I am a little frustrated with where we are at.

It was a bad couple of days. The boys didn't just throw food. They climbed out a window to leave school early.

Cairns: What would happen if every single kid in our school acted like you two did in the last three days?

Marcus: ooh boy, (*goes under*)

The whole conversation lasts about 15 minutes. The idea is to get Kyrie and Marcus to think about why they did what they did, and take responsibility for it. Mr. Cairns wants to make sure those reflections “stick,” so he asks the boys to write them down.

Cairns: So I think you can apologize for your disrespect but then you can also say Ms. Deering I would like to follow up and talk because I didn't feel super respected by a couple of things you said as well. Would that be fair? Think you can put that in writing?

The kids don't get a harsh punishment – but Ben Cairns says they're not getting away with what they did, either.

Cairns: Restorative justice is still deep accountability. You are accountable for acting a fool in our community. You cannot do that, it's not okay. You can't be rude; you can't be disrespectful. And that's for teachers and kids. No one gets to act that way. Everyone has to act well, and everyone has to treat each other with dignity and when you don't we are going to talk about it and fix it and repair it

So the kids will apologize to the teacher for being disrespectful, but the teacher is also supposed to think about whether she treated the students with respect. Restorative practices aren't just about changing the students' behavior. Teachers are supposed to change, too.

[Music]

Duran: It's really hard to hold it like a pencil and punch it, it just doesn't work that way. But it in your palm, and punch it. Try it.

This is James Duran's wood shop class at Skinner Middle School. Duran is a classroom teacher now, but for 12 years, he was the dean at Skinner –

Duran: Being the dean of students I was responsible for administering suspensions and then requesting expulsion hearings. It sounds crazy but we suspended if a student refused

to comply with a teacher's request. We would even suspend for truancies. I felt like we needed a change. We had to do something different.

So in 2006 James Duran was glad to have a new principal and the staff training she brought to implement restorative practices.

Duran: The conversation started changing like “I can't stand this kid, get out and I don't want him back,” to “can you give this kid a time out?” And we started to put the onus back on the teachers, and saying now wait a minute, did you document this, did you contact parents, did you bring parents in for conferences? things like this

Duran was an almost-instant convert, but the change was hard on many teachers. Some complained they didn't feel safe, or that their classrooms were chaotic because kids didn't face consequences for misbehavior.

Duran: I will tell you the first year probably half the staff left because they did not like the discipline here.

Even teachers who support the idea of restorative practices are frustrated sometimes. Andrea Rossin teaches 10th grade English at North High School. In her school, when there's a conflict between a teacher and student, they meet with someone on the school's restorative justice team to try to figure out what each of them did to cause the conflict and what each of them can do to make things better.

Rossin: Those kinds of conversations are transformative, and then at the end of the conversation when you find that common ground, and hug it out with the student or you have some tears, I mean, that is just beautiful and human.

But Rossin says sometimes it doesn't go that well – and sometimes you can't do it at all.

Rossin: There's never enough time. And so you might wanna have 20 conversations with 20 different kids but when are you supposed to do that?

And at North like everywhere in Denver there are just a few designated restorative justice staff, so teachers like Rossin have to improvise all the time.

Rossin: You know I'm walking in the hall and I see a kid who I know has biology, so I tell him hey you should really be in biology and he tells me to f*ck off and keeps on walking or gives me a big attitude. What do I do with that? A lot of the lower level discipline stuff goes to the wayside.

[Sound of hallway]

Wolf: Thanks Mikey. Where you headed?

Mikey: Ms. Blakenship

Wolf: Ms. Blankenship? I'll walk you there. Come on with me. Is that a pass?

That's Mr. Wolf again, the principal at North High.

Wolf: Would you take your hood down for me?

He's working the hallways between periods

Wolf: How was the morning?

It's a chance to check in with students. And every principal I met with said it's important to make sure would-be troublemakers are not hanging out in stairwells and hallways.

Wolf: You got one more period and then you're finished.

Scott Wolf says staff are stretched thin, the restorative approach – he calls it R.A. -- requires time and funding.

Wolf: We cannot conduct the RA conversations we need to within the budget that we have because it just takes longer. It takes longer to bring families in, it takes longer have the hour long meetings to really unpack who is feeling that they have a tension with somebody else. So takes a lot of time.

Denver schools are already stressed by a growing population and poor funding. Colorado has one of the lowest per pupil spending rates in the country. Eldridge Greer – the Denver Schools administrator – worries that the pendulum could swing back.

Greer: I think that's a possibility, especially in Colorado just with our history of shootings. It would be very easy for us. out of a place of fear, if we had another shooting or another significant event of violence that involved kids, for the reaction of the community or the reaction of the legislature to be we're going to go back down to zero tolerance. And that would be, I would argue, a fool's bargain. It doesn't serve our needs, but it addresses the anxiety that often a lot of us can feel when we're confronted with something that's traumatic and outside of our experience. So I think Colorado is more vulnerable than a lot of places to swing back in that way

The grass-roots group that pushed for these discipline changes wants to make sure that doesn't happen.

[signing in noises]

It's the day when Padres y Jovenes gives the Denver Public School District a grade on how well it's doing to eliminate disparities in discipline. We're in a community room at a housing project across from a middle school. The room is packed with about 100 parents and students. The

superintendent and administrators from the school district sit at a table, listening and taking notes.

Ricardo Martinez is at the podium.

Ricardo Martinez: Our struggle, our fight is not to change student behavior. Our fight is to change adult behavior and we are very successful at it
[applause]

Students, cops, social workers and other parents speak, too. Towards the end, a mother says it's ridiculous that her three-year-old has been repeatedly suspended from pre-school.

Mother: Es absurdo y ridículo que a un niño de 3 o 4 años suspenden o expulsan.

After a couple of hours, the district gets its grade: a C+

The superintendent agrees to work with Padres on several specific proposals to reduce disparities: The district will stop expelling preschoolers, for example, and start publishing data on incidents that involve police.

Administrator Eldridge Greer is there, too, and I ask him later if it was hard to hear the students give the district a C+. He says no. He's glad Padres y Jóvenes is still putting pressure on the district.

Greer: We have a long way to go, but we wouldn't have made nearly the progress that we have made if it wasn't for students in Padres, if it wasn't for student activists across district really pushing this is what our experience is like, and you have the power to change our experience.

Greer points out that the district has almost erased discipline disparities for Latinos. But even though the discipline gap has narrowed, it persists, especially for African-American and Native American students.

And Denver's achievement gap is one of the worst in the country. In some other schools that have implemented restorative practices, achievement has gone up. It's not clear why that would

be true in some places but not others. It's not clear which restorative practices work best – or even exactly what counts as a restorative practice.

Gonzalez: As researchers, we're just behind.

Thalia Gonzalez says the past few years have brought an explosion of interest in restorative practices, but their use in schools is still pretty new. She says researchers will know more after long-term studies with control groups are published. She says initial findings are promising.

Gonzalez: The power of understanding that a person realized that they harmed another individual even though at the moment it was all happening they didn't realize that, that's transformational.

Gonzales says restorative practices have the potential to address not just individual conflicts but problems in schools that involve big issues like race, and class. That's what Padres y Jovenes has been working on for nearly twenty five years. Founder Ricardo Martinez says he hopes other school districts will learn from Denver.

Ricardo Martinez: because what has transpired here in Denver- has been led by people that have suffered the most. We came with the solutions, we came with the money, we came with the obvious changes that needed to happen. This has been a ground-up fight.

[Music]

Stephen Smith: Back in the 1980s and 90s, politicians and educators called for zero tolerance policies because they wanted to make schools safer. And a lot of people believed these policies would make discipline more fair: Everyone would be subject to the same strict rules.

But it's clear now that it didn't work that way. The policies didn't make schools safer. And kids of color still got suspended and expelled disproportionately -- especially black and Latino boys -- but so did gay and lesbian students and disabled students.

It's also clear now that the cost of suspension is high: It contributes to kids dropping out, getting into more trouble at school, and even winding up in trouble with the law.

Many schools are trying to change. But in order to change, they need buy-in from political leaders, educators, parents and students. A lot of Americans are talking about race and power, but those conversations are tense. And while the adults try to sort things out, millions of kids are still suspended from American schools every year.

[Music]

You've been listening to "Spare the Rod: Reforming School Discipline."

It was produced by Catherine Winter, Laurie Stern, Suzanne Pekow and Ryan Katz ... and edited by me, Stephen Smith. The web editor is Dave Peters. The web producer is Andy Kruse. Research and production help from Alex Baumhardt, Lila Cherneff and Liz Lyon. Mixing by Craig Thorson. The APM Reports Documentary team includes Emily Hanford, Sasha Aslanian, Samara Freemark, Ellen Guettler, Dylan Peers McCoy, and Chris Worthington.

We have much more about this story at our web site, including information about the connection between achievement and discipline. That's at [APM Reports.org](http://APMReports.org) Where you can also browse our archive of documentaries about education and sign up for our weekly education podcast.

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