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## Restorative Justice as a Doubled-Edged Sword: Conflating Restoration of Black Youth with Transformation of Schools

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## Restorative Justice as a Doubled-Edged Sword

### Conflating Restoration of Black Youth with Transformation of Schools

Arash Daneshzadeh & George Sirrakos

#### Abstract

The anchoring weight of slavery continues to ground schools by design and implementation, 151 years after the 13th Amendment to the Constitution was ratified. Empirical literature is rife with evidence that Black and Brown youth are penalized more frequently and with greater harshness than their white, suburban counterparts for the same offenses (Gregory, Skiba, & Noguera, 2010; Welch & Payne, 2010), to the point where Triplett, Allen, and Lewis (2014) describe this phenomenon as a civil rights issue. The authors examine how a constellation of school-sanctioned discipline policies have connected the legacy of slavery with punishment. In order to curb burgeoning suspension rates that disproportionately target Black youth, schools and grassroots organizations have adopted various tiers of Restorative Justice (RJ). This article draws upon existing theoretical frameworks of Restorative Justice to discuss new approaches and directions, as well as the limitations of its hyper-individualized applications in K-12 schools. Finally, the authors assess two case studies that aim to transform schools and community engagement by refocusing restorative philosophy on the ecological conditions of student contexts, rather than the presumed intrapsychic symptoms habitually ascribed to youth behavior and Black culture.

Keywords: Restorative justice, anti-Blackness, draconian discipline, neoliberalism

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### Introduction

You are not a citizen of a democracy but the subject of a carceral state, just waiting to be cataloged.

—Justice Sonia Sotomayor

Dissenting opinion on racial profiling, dubious stop-and-frisk policies and the abridgment of 4th amendment rights, and the prison industrial complex in, *Utah v. Strieff*

Mason, a 17-year-old Black boy, sat quietly and alone at a table near the edge of the school cafeteria. By all accounts, Mason was a well-behaved student who earned good grades and was an active part of the school and the community. On this particular morning, he rested his head face down on the table with his arms wrapped around his torso, seemingly hugging himself. Several students and teachers walked by Mason, yet it seemed that no one noticed him. One teacher approached Mason; however, instead of asking if everything was alright or if he needed any help, the teacher authoritatively demanded that Mason remove the fitted baseball cap he was wearing on his head. After all, the school policy was clear; students were not allowed to wear fitted baseball caps in the school building. Mason's response of "Leave me alone" prompted the teacher to raise his voice and again demand removal of the cap. Mason sat quietly, unmoving until the teacher took it upon himself to remove the cap. In an instant, Mason sprang from his chair, grabbed the teacher's arms, gazed deep into his eyes, and repeated, "Just leave me the [expletive] alone!" As the teacher cried for help, Mason released his hold and apologized profusely, none of which mattered to the school-based police officers who shoved Mason to the ground and placed him in handcuffs. Later that afternoon, the school's assistant principal informed the teacher that the administration would be pursuing a long-term, out-of-school suspension at an alternative educational site because Mason violated the school's zero-tolerance policy on physical violence. About two months after the incident, the teacher inquired about Mason's return with the school's disciplinarian, who provided two updates. During the suspension process, Mason revealed the underlying cause for his uncharacteristic behavior that morning. Mason explained that he had been the victim of an armed robbery while on his way to school. With a gun pointed at his chest, Mason was forced to give up his jewelry, wallet, and mobile phone. The second, and perhaps more disheartening, update was that Mason spent a little over one month at the alternative school site before deciding to drop out.

The above scenario raises several key questions regarding the school administration's and police officers' responses to Mason's actions. Were Mason's actions enough of a threat to warrant the police officers shoving him to the ground and placing him in handcuffs? Was Mason, a tall, muscular Black boy, considered a threat because of his physical characteristics or because of an objective interpretation of his actions? Did Mason deserve a long-term, out-of-school suspension? And most importantly, did anyone, at any point, inquire about Mason's emotional

welfare, specifically with regard to his traumatic experience earlier that morning? The above scenario also sheds light on some of the overarching problems associated with zero-tolerance policies. Such policies have been disproportionately applied to students of color attending urban schools (Triplett, Allen, & Lewis, 2014), even though they were originally designed in response to a number of widely-publicized school shootings carried out during the 1990s primarily by White students in rural and suburban schools (Howell, 2009). Further, such policies are often enforced on urban students of color for behaviors that do not pose a threat to safety, are highly subjective, and based on perceptions of those in power within the school structure (Gregory, Skiba, & Noguera, 2010; Welch & Payne, 2010). Additionally, when such exclusionary and draconian discipline procedures are applied repeatedly to the same student, the chances that the student will drop out of school significantly increase (Noltemeyer, Ward, & Mcloughlin, 2015). Research also suggests that students of color who leave high school prior to earning a diploma are at greater risk of being imprisoned at some point in their life (Harlow, 2003; Kearney, Harris, Jacome, & Parker, 2014). Given this evidence, a direct link can be made between punitive discipline policies and the perpetuation of the school-to-prison pipeline.

The literature is rife with evidence that Black and Brown youth are penalized more frequently and with greater harshness than their white, suburban counterparts for the same offenses (Gregory, Skiba, & Noguera, 2010; Welch & Payne, 2010), to the point where Triplett et al. (2014) describe this phenomenon as a civil rights issue. An investigation into why this occurs is beyond the scope of this article; however, it is important to acknowledge these disparities if we intend to engage in a critical discussion regarding the reparation and restoration of youth who have experienced such trauma in schools as an approach to dismantle the school-to-prison pipeline. Given all we know about the mistreatment of urban students of color in educational settings and society at large, one cannot help but wonder if the zero-tolerance discipline doled out to Mason would have been applied in the same manner to a White student in a suburban school. Regardless, what we know for sure is that Mason's history of never having been in trouble did not seem to matter. His service to the surrounding community did not seem to matter. His participation in several school activities did not seem to matter. Instead, Mason was labeled as a threat requiring swift removal for the perceived safety of all in the school.

As the number of Black and Brown youth entering the school-to-prison pipeline increases, researchers from various fields have put forth a call for action to identify and explore alternatives to zero-tolerance and other harsh discipline policies. For example, Triplett et al. (2014) identified Positive Behavior Interventions and Supports (PBIS), teacher professional development explicitly focused on broadening cultural competency, and an increase in quality clinical experiences in urban settings for preservice teachers. This article follows along the strand and tradition of PBIS and explores Restorative Justice as a viable alternative to zero-tolerance policies. Here Restorative Justice is put forth as a strategy to transform schools and

restore Black youth from the trauma suffered in schools for the ultimate purpose of preventing their entry into the prison system.

### The Impact of White Supremacy on Communities of Color

In the United States, there are ample cases where individuals received starkly contrasting punishments for committing nearly the same offenses, conceivably because of the color of their skin, which plays into whether or not they are perceived as a threat. Most recently, our attention was turned to the judicial cases of Brock Turner and Cory Batey. Turner was a young, White, male standout swimmer at Stanford University. Batey was a young, Black, male standout football player at Vanderbilt University. Turner was tried for sexually assaulting an unconscious woman behind a garbage dumpster. Batey was tried for sexually assaulting an unconscious woman in a dormitory room. After their respective trials, both men were found guilty of multiple felony charges, yet Turner's 6-month jail sentence was strikingly shorter than Batey's 15 to 25-year prison sentence.

An array of scholars of color including Amos Wilson, bell hooks, Asa Hilliard III, Uma Jayakumar, and John Henrik Clarke have provided deep insights into how ubiquitous European norms are in America and how these norms have fostered the permanence of White supremacist ideologies in our society. In her 2009 TedTalk, *The Danger of a Single Story*, Chimamanda Ngozi Adichie explained how people with power all too often get to write the narrative for those who lack power. The cases of Brock Turner and Cory Batey and countless others reinforce Adichie's assertion and demonstrate how communities of color have been impacted by Eurocentric norms and how Black bodies, in particular, have been existentially weaponized through the legal system, seeing them as threats first and humans second. Hence, in this section we contend that the school-to-prison pipeline exists because of White Supremacist norms and wish to highlight the impact that non-conformity to White racial frames of achievement has had on Black youth.

The anchoring weight of slavery continues to ground schools by design and implementation, 151 years after the 13th Amendment to the Constitution was ratified. Tracing the evolution of this post-industrial and "emancipated" America, we find more legislative attention paid to material production than social liberation, which gave rise to federally-sanctioned projects aimed at upholding and securing kyriarchal power structures imbued by White colonial settlers (Butchart, 1980). For example, Freedman Schools in the south, specifically appropriated by Congress as pedagogical sites for those recently emancipated from slavery, were not engendered with the same level of sociopolitical respect as schools reserved for their predominantly white counterparts. In 1870, Congress created the Freedman Bureau, charged with subsidizing and stocking the rudimentary provisions for teaching and learning such as schoolrooms, transportation, and books for Black teachers and youth in the south. However, despite comprising over half of Georgia's

school-going population at the time, and the obligation to pay taxes towards state education coffers, Freedman School families and students were still excluded from enjoying many of the amenities offered by de facto public institutions originally created for White students (Anderson, 1988).

While educational sites and their operations have undergone dramatic reconstruction paved by legislation and collective practice over decades, the iterations of schooling converge on one seminal point: to maintain the dominant paradigm of capitalism as transmitted through the cultural tenets of Imperialist White Supremacist Heteropatriarchy (hooks, 1994). The mission to protect the majoritarian narrative of power is riddled within school textbooks (Ravitch, 2013), funding algorithms (Rose & Weston, 2013), and leadership structures (Museus & Jayakumar, 2012) that herald a racial apartheid through coded and duplicitous language. This language provides the culturally subtractive (Valenzuela, 1999) and White-systemic frameworks (Feagin, 2009) that objectify youth and, over time, balkanize students in lockstep with the dominant economic and racial hierarchy. What is most endemic to the historical organization of schools is the outright erasure, by homogenizing and gutting contributions of people of color through eugenic projects such as the Carlisle Indian Industrial Schools (Adams, 1997), and other boarding schools, specifically designed to cleave youth from their communities and culturally sterilize First Nation youth, to reify the European colonial vision of physical and psychological conquest. Scholars have emphasized the relationship between exhuming the intellectual ancestry and cultural literacy of youth and liberatory space-making in schools. King, Swartz, Campbell, Lemons-Smith, and Lopez (2014) highlight the process of “othering” or socially isolating youth from academic contexts, by denying access to what Tara Yosso (2005) coins as cultural wealth, particularly resistance capital. King et al. (2014) argue that White Supremacist infrastructure of schools maintains hegemony by seizing a child’s knowledge of community and by hyper-individualizing the experience of learning. They write:

Denials or restrictions of freedom to some are in sync with the cultural tenets (e.g., duality, a hierarchy of human worth, might makes right, social isolation and fragmentation) that underpin European/White traditions and practices (Durkheim, 1949; Hobbes, 1977/1651; Spencer, 1897). Due to these cultural tenets, individually oriented cultures were and are inclined to make exclusionary claims about maintaining culture, with the conservation of the dominant culture viewed as achievable only by separation from and subjugation and exploitation of other cultures. Standard social studies materials cloak the claims advanced by European/White colonists and Enlightenment philosophers by portraying land theft and enslavement—with all the cultural disruptions they entailed—as inevitabilities of colonial settlement, expansion, and economic development. They were outcomes of the European assertion that only they had the right to maintain culture. A “re-membered” text on freedom and democracy connects alterity and dominant themes, and in so doing, shifts the student of freedom and democracy from sole assertions of supremacist inevitability to examining sets of assertions. (pp. 68-69)

The quote above illustrates the duplicitous actions and practices employed by many institutions—including schools—as they relate to freedom and oppression. Today's schools, in relation to their colonial counterparts that predominantly served White aristocratic males, offer a tacit binary that demarcates the line between the subjugated pupil and the unsubjugated dominant group. That is, offering the illusion of participation without transmogrifying the colonial requisites that socially quarantine students historically left out of the academic edifice. Antonio Gramsci captured the contradiction of marginalization that occurs when the oppressed participate within systems built by their oppressors. Cited by Hoare and Smith (1971), Gramsci deftly explains that “the normal exercise of hegemony” on the educational terrain is “characterized by the combination of force and consent, which balance each other reciprocally without force predominating excessively over consent” (p. 80). Scholars find that, over time, schools have doubled-down on their draconian and eugenic roots—which materialize as disproportionate suspensions and expulsions of Black youth. As Henry Giroux (cited by Nocella, Parmar, & Stovall, 2014) contends,

...if youth were once viewed as the site where society deposited its dreams, that is no longer true. Punishment and fear have replaced compassion and social responsibility as modalities mediating the relationship of youth to the larger social order. (p. 73)

This is particularly true for Black youth, whose disproportionate rates of surveillance and hyper-criminalization signals a reprogrammed version of human sorted and coded in ambivalent language of school security, intrapsychic objectification, and individual responsibility. According to Nancy Heitzeg (cited by Nocella et al., 2014):

Black students make up only 18% of students, but they account for 35% of those suspended once, 46% of those suspended more than once, and 39% of all expulsions. In addition, Black and Latino students represent more than 70% of the students arrested or referred to law enforcement at school (Eckholm, 2013). This racial over-representation then manifests itself in both higher drop-out rates for students of color (students from historically disadvantaged minority groups have little more than a fifty-fifty chance of finishing high school with a diploma) as well as the racialized dynamic of the legal system (Losen & Gillespie, 2012; Schott Foundation for Public Education, 2012). (p. 23)

Following the *Brown versus Board* decision of 1954 which sought to racially integrate schools, credentialed Black teachers across the nation were fired in droves, leading to a separation of youth from their cultural wealth. Toppo (2004), using National Education Association data, provided a staggering account of the deleterious consequence that the landmark decision had on Black neighborhood schools:

In 1954, there were 82,000 Black teachers; however, during the 11 years after the court ruling, some 38,000 Black teachers and administrators lost their jobs. After desegregation, 90 percent of Black principals lost their jobs, mainly in southern states. Qualified Black teachers were often replaced with less qualified White teach-

ers according to researcher Carol Karpinski; indeed, 85 percent of Black teachers had college degrees compared to 75 percent of White teachers. (p. 2)

The *Brown* decision also served as a watershed moment creating an opportunity for Europeans and their White descendants to represent the academic constructs of all achievement while simultaneously denying Black teachers and administrators an opportunity to provide relevant possibilities for Black children. The *Brown* decision helped advance another negative effect: dispossession of the Black community from having political ownership over shared institutions. That is, obstacles like job security and harassment interfered with concerned parents and community members who wanted equitable stakeholderhood in school leadership that would allow them to derive the pillars of student outcomes in America. Drawing upon the canonical and empirical library of organizational scholars, it becomes abundantly clear that children of the Black diaspora, in addition to other historically looted and dehumanized populations, continue to be subjected to racial segregation in schools. Assimilation is advanced through sleight-of-hand logic that physically orients Black youth in White Supremacist school structures, where dominant culture reigns over curriculum, classroom behavior management, and presumed ability of students; the deception of assimilation as a reparative strategy rests in how it is shrouded in superficial conceptions of post-*Brown* decision inclusion and neoliberal versions of multicultural diversity. Schools, though, are not the sole progenitors for human sorting and commodified existence through the codification of labor--a universalized and interlocked process of subjection referred to as the necropolitical apparatus of oppression (Mbembe, 2003).

A distinct constellation of segregation practices connects the culture of school organization with the ostentation of Black suffrage. Schools become action arms of subjugation. Sadiya Hartman (1997) asserts that the everyday privilege enjoyed by White people in America is inextricably linked to segregation evidenced by everyday practices in schools. Hartman (1997) describes the paradox of segregation after the *Brown* decision as the lingering badge of slavery, which was protected by a statute that insisted on providing “for the equivalent treatment of the races, as though the symmetry of [*Brown* decision] itself prevented injurious and degrading effects” (p. 194). According to Hartman and others, the *Brown* decision was intent on granting the social benefits of White privilege, to those students who could mimic and in essence, participate in upholding its capitalistic agenda; and, in accordance to youth from non-White communities, “culturally suicidal” (Tierney, 1999) zeitgeist.

### The Birth of Microsegregated Schools

As we have discussed, the *Brown versus Board* (1954) decision has a profoundly complex meaning for Black youth and families in America. *Brown* underscores Bensimon's (2005) cognitive frame of diversity, which refers to the demographic of predominantly White schools toward a more ethnically diverse composition, while



continuing the advancement of a monocultural frame of political organization in curriculum and practice. Bensimon (2005) describes the pitfalls of diversity frames that lack critical approaches to multiculturalism as a result of “Positive attitudes towards increasing minority student participation... but they are inclined to attribute differences in educational outcomes... to cultural stereotypes, inadequate socialization, or lack of motivation and initiative on the part of the students” (p. 102).

The monocultural approach towards augmenting Black student populations, painted widely as boosting a singular notion of “diversity,” absolves institutions from actually addressing racial and ethnic iniquities that stifle a foundational mission of justice and equity for all. As well, monoculturalism emboldened the usage of Whiteness as the default proxy for academic excellence, and the “master-key that unlock[ed] the golden door of opportunity” (Hartman, 1997, p. 194). To legislate Whiteness as political currency or “property” (Harris, 1993), was to create a false binary that reoriented Black youth as peripheral and passive observers from the center of dominant school culture. As a consequence of this sublimating position, children of color were portrayed as deprived and innately corrupt specimens, sorely in need of the paternalistic interventions germane to schools serving the White Supremacist agenda. These interventions compose a school “culture of cruelty” backed by the “politics of humiliation” (Giroux, 2015, p. 14). It is paramount to remember that schools were forged in a crucible of colonialism and underwritten by perceptions of racial, socioeconomic, and gender hierarchies. As a result of this legacy, schools are operationalized as an action arm for necropolitics, by inculcating a deficit view of subordinated students—namely Black and First Nation populations—since the inception of school integration. As a result of this transmogrified, academic caste system, Blackness is seen as asynchronous to Whiteness. This relative proximity to dominant culture, through school norming techniques, creates a deficit model that distorts perceptions of Black youth as untamed savages in need of formal training. By extension, entire swaths of Black youth, families, and neighborhoods are stereotyped as collectively needy, and otherwise, unruly subhumans. Richard Valencia (1986) unpacks the rise of this deficit perception that plagues images of Black youth:

Also known in the literature as the “social pathology” model or the “cultural deprivation” model, the deficit approach explains disproportionate academic problems among low status students as largely being due to pathologies or deficits in their sociocultural background (e.g., cognitive and linguistic deficiencies, low self-esteem, poor motivation) ... To impose the educability of such students, programs such as compensatory education and parent-child intervention have been proposed. (p. 3)

What exacerbates this conception of Black youth is the pretense that poverty is a crime, much like Blackness is an ontological threat. Rather than pivot away from archaic language and belief systems that enable the violent rhetoric and infrastructure of White Supremacy, Black youth, particularly those from economically blighted

communities, are held responsible and even criminalized for attempting to participate in schools once reserved exclusively for White people. Under ideal conditions, schools would examine the historical precursors that systematically propagandized a troubled image of “other” (non-White) races to justify the superiority and creation of Whiteness (Lopez, 2006), while similarly brokering socially isolated milieus starved by poverty to legitimize dependency on predatory capitalism (Duneier, 2016).

A recent report from the U.S. Department of Education Office for Civil Rights (2016) showed that 1.6 million students attended schools with a School Law Enforcement Officer (SLEO) but not a counselor who was clinically trained to deescalate conflict. Most detrimental to the academic longevity of Black youth were findings from Losen, Hodson, Keith II, Morrison, Belway (2015) at the Center for Civil Rights Remedies at UCLA. They found that Black K-12 students reflect a staggering 23 percent of the 18 million days of lost instruction due to out-of-school suspensions during the 2011-2012 academic year. If the primary goal of discipline is to sustain learning opportunities for youth, the systemic confinement and rampant ostracizing of Black students represents the antithetical practice and ontological contradiction of school leadership; perpetuating the very system of inequity it purports to subvert.

While the juvenile incarceration rate has plummeted by 41 percent from 1995 to 2010, the rate of Black youth being jailed is still five times greater than their White peers (The Annie E. Casey Foundation, 2011). Overall, the United States leads the globe in youth incarceration, with a confinement rate of more than 300 per 100,000 children (The Annie E. Casey Foundation, 2011). Black youth, which still comprise the preponderance of children locked in youth detention facilities, are three times more likely than White counterparts to be suspended or expelled from school (U.S. Department of Education Office for Civil Rights, 2014). And while this disparity grows, so too does the correlation between school discipline and youth incarceration. One study in Texas found that 23 percent of youth who were suspended at least once during middle school or high school made contact with the juvenile penal system—versus 2 percent for those youth who had never been disciplined in school (Council of State Governments Justice Center, 2011). This model of school discipline, disproportionately targets Black youth as young as preschool age for minor offenses which are stationed primarily by subjective and racialized biases (Skiba, Horner, Chung, Rausch, May & Tobin, 2011). Among the litany of subjective or minor issues that resulted in suspension or expulsion, were truancy, disrespect, and even violations of school dress code (Skiba et al., 2011). However, White students were more likely to be punished for provable, harsher, or documented transgressions such as smoking or vandalism. These studies suggest that Black youth—particularly males as they have been maligned through negative media images and rhetoric, which distort them as inherently violent—do not, in fact, misbehave at a rate higher than their non-Black counterparts. Yet Black youth are steeped in a ubiquitous school climate of draconian and targeted control.

Over the years, a number of scholars have attempted to identify the structures that leverage and promulgate the retributive state of schools—as they pertain to Black youth experience. One example is African American Male Theory (AAMT), which resurrects a number of canonical subtexts as touchstones, to articulate the relationship between the “pre and post-enslavement experiences” and the “spiritual, psychological, social, and educational development” of Black boys and men (Bush & Bush, 2013, p. 6). AAMT is underpinned by numerous other frameworks including Black Feminist and Womanist Theory (Cannon 1988; Collins, 2000), which illustrates the intersectional dynamic of ecological systems (e.g., poverty, racism and identity formation being precipitates of interconnected environments) captured by Urie Bronfenbrenner (1989). AAMT is also underpinned by Tribal Critical Race Theory (TribalCrit) (Brayboy, 2005), which represents the veritable bridge between desecration of indigenous land, natural resources, and cultural literacy, and the false binaries (e.g., Black as proxy for criminal) common to the daily experiences of many non-White populations. A result of findings that magnify the urgent need to redress school conditions, unfairly and subjectively punishing Black youth, is an emergent movement towards alternative policies and positive behavior approaches to school discipline (Sugai & Horner, 2009). Victor Rios (2011) suggests that this Youth Control Complex rigidly targets Black, First Nation, and Latinx youth in order to reclassify the racial under-caste manufactured by generations of post-colonial persecution. One of Amos Wilson’s (1978) most salient arguments is the notion that desegregated schools that fail to modify their colonial, or White Supremacist, norms of academic decorum will be unable to meet the needs of non-White students. In fact, as Wilson contends, anglonormative standards heightens the problem of Black youth isolation, because:

Discontinuity between Black life and school life breeds resistance, hostility, disinterest, etc., in the Black child. Much of what is taught in school meets his needs. It would be expecting too much however, of the schools, White schools in particular, to bridge the gap between black life and school life and to provide the Black child with the achievement drives which are essentially the products of the child’s cultural-familial background. (p. 234)

This quote makes an important distinction between physical inclusion and epistemological inclusion. Harper and Hurtado (2007) explain that in order to create academic opportunities for historically marginalized populations like Black youth, educational institutions must create opportunity for students, themselves, to play an instrumental role in fostering pluralistic constructs of achievement and definitions for model behavior. Without an intentionally multicultural approach to leadership, school norms will continue to uphold a White Supremacist ethos and advance monocultural values. Transculturation (Ortiz, 1995) is a term used in place of assimilation, adaptation, and acculturation and describes a more fluid process of self-identification and belonging which favors organizational pluralism over cultural

homogenization. In transculturation, Black youth and institutional values are merged together in a dynamic system that allows the student to navigate between the two. Without the active and ongoing co-ownership of school governance, Black youth will remain suspended in a double-edged context of superficial integration while organizationally isolated by myopic carceral outcomes. Wilson (1978) articulates the pitfalls of schools that fail to alter their historically White pillars of control, and the corollary psychosocial gymnastics that Black youth are tacitly coerced to perform in order to meet these standards:

Attending school for the Black child is often a schizoid process. He is called upon to alienate himself abruptly from his culture and he must maintain a precarious psychic balance between a Black and White world, belonging to neither. It is little wonder that the Black student rebels against this neurotic process which demands that he become not-self and shed his identity in order to succeed. (p. 234)

While we agree unequivocally that there is no singular or monolithic Black experience, the mere acceptance and affirming of Black youth contexts can play a vital role towards harvesting critical dialogue. Restorative Justice<sup>1</sup> is one model of community-centered discipline, which excavates the cultural mistrust (Terrell & Terrell, 1981) and dispossession (Fine & Ruglis, 2009) that Black youth have experienced within myriad (historically) eugenic institutions, including schools.

### Conceptual Frameworks Informing Restorative Justice

Restorative Justice (RJ) is one philosophical approach to organizational leadership within educational spaces that embodies a conjunction between the aforementioned theories. RJ attempts to ameliorate the caustic political dynamic between Black youth in urban communities and predominantly White educators in K-12 schools. This model of school discipline aims at flattening the hierarchical power dynamic between pupil and practitioner through a three-tiered approach to discipline and youth engagement: Tier One—community building and shared ownership of decision making; Tier Two—restorative discipline and mediation between victim and offender; Tier Three—reentry support for individual students who have been held culpable for violating school policy (Zehr, 2002). Today, “over 500 restorative justice programs operate in the United States alone” (Amstutz & Mullet, 2005, p. 61), primarily situated in the juvenile justice and youth education spheres. The holistic and village-informed modality of Tier One RJ is grounded within a First Nation framework, originated by the Maori community, native to New Zealand (Zehr, 2005). In an ideal setting, RJ would move towards equitable stakeholderhood between youth, families, and institutions. In order to cultivate this mutualistic understanding, it is important to demystify the historical presumptions, values, and norms that relegate Black youth to the academic periphery. Tier One RJ programs shifts the focus of discipline to address school and community contexts rather than student pathology. Despite the intentional effort to redefine misbehavior

from an intrapsychic to ecological perspective, there is still a lacuna that exists in the narrative surrounding RJ. This lens focuses heavily on rehabilitating individual students, akin to Tier Two (Reentry Agreements Between Pupil and School) and Tier Three (Individual Interventions) incarnations of RJ, whilst neglecting the community-based engagement that requisites Tier-One practices. Judy Tsui (2014) distills the manifold interpretations of RJ to its most nuclear mission:

Restorative justice is a broad label that encompasses a plethora of different models, roughly bound together by the belief that the traditional American criminal justice system ignores a key step in “rebuild[ing] a sense of justice” because of its somewhat myopic focus on punishing offenders. In contrast, restorative justice techniques generally aim to focus on relationships and to relocate the sphere of power to “their rightful owners”—“offenders, victims, and their respective communities.” Although punishment may play a part in restorative justice techniques, the central focus remains on relationships between the affected parties, and healing reached through a deliberative process guided by those affected parties. (p. 634)

As described earlier, school-based RJ programs have attempted to meet the needs and rights of the victim while simultaneously preventing the offender’s entry into the juvenile court system by curtailing suspensions and expulsions as the primary mode of discipline (Tsui, 2014). While this approach is worthwhile, we believe RJ programs need to move beyond the individual and instead, aid in the holistic transformation of the school. For example, Tier 2 of RJ involves a non-punitive response to a specific conflict. Thus, the outcome of Tier 2 processes usurp culture and transmogrify it as something limited to individuals rather than structures, ideologies, values, and norms of the larger institution. Through these processes, students (victims and offenders, alike) are situated to successfully navigate school, yet remain unable to influence the tapestry in which dominant culture adjusts itself to student context. According to Yosso (2005, p. 75), “Educators most often assume that schools work and that students, parents and community need to change to conform to this already effective and equitable system.” Thus, RJ as a multifaceted approach to student and school restoration must involve an acknowledgement and understanding of what Yosso (2005) describes as community cultural wealth. Community cultural wealth is a set of six frameworks (aspirational, linguistic, resistance, navigational, familial, social), called capital, that typify the relationship between institutionally-sanctioned knowledge and student behavior or academic outcomes. Community cultural wealth opposes a deficit model of thinking that perpetuates the notion that there is a true deficiency between the oppressor and the oppressed, or in American society, an individual who is unable to access resources typically reserved for the White, privileged classes (Valenzuela, 1999). However, these students are not in fact deficient, but rather possess a different set of experiences that are habitually pathologized and criminalized.

### Moving Forward with Restorative Justice

In this section, we describe new approaches and possibilities for RJ. Fronius, Persson, Guckenburg, Hurley, and Petrosino (2016) find that despite the nascent stage of implementation, RJ is growing in popularity among school administrators but lags behind in schools that still subscribe to draconian, zero-tolerance policies. Their literature review found that Tier Two and Tier Three models of Restorative Justice were widely utilized (Fronius et al., 2016), adding:

Bazemore and Schiff (2005) conducted a census of RJ practices in the U.S. justice system and developed strategies to evaluate the quality and consistency of the various approaches to RJ. Their census identified a total of 773 programs across the nation. Relatively informal practices, such as restorative dialogue and offender mediation, were most common. (p. 7)

Therefore, we begin with a call upon university-based teacher preparation programs as sites for intervention, particularly, because it is the graduates of these programs who will serve as future teachers and leaders in primary and secondary schools. Teacher preparation programs must be cognizant of this charge and actively combat the cultural imperialism that pervades many classroom and student behavior management approaches. The purpose of classroom management is to create a safe and nurturing learning environment, provide access to learning for all children, make effective use of time allocated for learning, and teach students how to self-manage (Woolfolk, 2016). However, classroom and student behavior management, particularly for urban students of color, is often accomplished through compliance to protocol and subservience to teachers, both of which are rooted in a narrow, monocultural understanding of students' ways of knowing, being, learning, and communicating. For example, teacher candidates are often taught that it is their responsibility to create and present specific classroom procedures and expectations aligned to the larger school-wide rules. If a student is unable to abide by those procedures or fulfill those expectations, the teacher is required to trigger a hierarchical, often punitive, set of consequences ranging from a teacher's expression of disappointment and disapproval to a visit to the school principal to after-school detention. However, as any successful and effective teacher of students of color can likely attest, a meaningful approach to classroom and student behavior management is much more nuanced. Conversations with teacher candidates need to be extended to include other approaches, namely RJ. When those conversations center on the amalgamation of culturally responsive management (Gay, 2006) with RJ, teacher candidates are in a better position to meet the needs of their students, particularly when the culture of the students is different than that of the teacher.

Further, beyond immediate classroom spaces, stakeholders must be willing and ready to examine the principles of RJ through a lens of community activism. In the participatory ethos of RJ, counter-narratives and equitable stakeholderism between youth and adults create spaces unsanctioned by common Western systems

of financial incentives or carceral punishment. Neoliberal appropriations of RJ in schools have flattened the community-centered texture and critical lens in which conflict is framed. If Black and First Nation youth are seen solely as restoration projects, then RJ will ascribe to a deficit-lens that hyper-individualizes activism as an issue of Black “respectability”, while simultaneously absolving subtle and pervasive violence wrought within historically-blighted communities by the legacy of settler colonialism. RJ is a zeitgeist that migrates activism towards ecological concerns that condition violence espoused and perpetuated by a necropolitical state. Activism undergirded by a restorative lens creates bilateral communication between various stakeholders within a community (including youth), unhinged from the veiled threat of retribution and reinforced by a Fanonian theory of safety (Leonardo & Porter, 2010), which—in the context of schools—has also been described as a pedagogy of love or critical communication pedagogy (Cummins & Griffin, 2012). There are radical groups which have attempted to utilize the restorative lens of activism. One such grassroots organization is Communities United for Restorative Youth Justice (CURYJ) of East Oakland, California. This organization seeks to promote ecological and pedagogical healing to populations impacted by systemic injustices that range from land desecration to gang injunctions. There are several pillars to restorative activism, ascribed by CURYJ leaders, according to their 2016 Mission Statement:

1. Training and Technical Assistance: To other grassroots agencies to support the expansion and implementation of indigenous methodologies of addressing violence.
2. Youth Participatory Action Research: Engaging young people in the generation of new knowledge about their own communities is critical to building grassroots movements that are rooted in the experiences of those who are oppressed. Developing data that addresses the needs of the community and speaks the language of government institutions is a powerful tool for the next generation to build.
3. Restorative Justice Circles: Engaging communities to address violence through indigenous healing practices. With the acknowledgement of our internalized oppression individuals begin to restore their perspective and begin to un-learn the harmful behavior that mainstream society perpetuates.
4. Community Applied Research and Action (CARA): On the ground, documentation of police harassment and gentrification can generate important information in building movements for self-determination in our communities. Documentation of the positive impact of alternatives to incarceration such as restorative justice can be used as evidence to fight for successful solutions to violence. CARA is at the foundation of our policy work, and is essential to building our community’s leadership and skills to sustain our movements. This effort has brought propositions, such as Proposition 57 in 2016, to light that seek to eradicate the common practice of direct liberty filed by District Attorneys who aim to try youth as adults; instead shifting the responsibility to juvenile court judges to make that demarcation of adult defendants.



Finally, we offer texture to the possibilities of RJ through a description of the transformation at John O'Connell, a three-storied urban high school located at the southeast corner of San Francisco's famous Mission District. The Mission neighborhood is popularized and renowned for its lineage of poets and musicians (including local artist Carlos Santana) who championed cultural sovereignty and political liberation, its *mélange* of revolutionary murals, and as a sociopolitical hub for the Chicano Civil Rights Movement (also known as *El Movimiento*) during the 1960s. O'Connell is heavily populated by what is left of the rapidly displaced modest-to-low income Black, Latinx, and Southeast Asian community. In contrast to the neighborhood's rich history of activism, John O'Connell, which ascribed to a rigid zero-tolerance policy, was marred by a growing rate of suspensions for infractions such as truancy and "disrespect." While Black youth comprised roughly nine percent of O'Connell's students in 2010, they represented a whopping 77 percent of its suspensions (SFUSD Progress Report, 2012). This stark contrast accents a larger crisis across the school district. According to archival data from the San Francisco Unified School District, in the Academic Year 2011-2012, there were 2,311 suspensions across K-12 schools (SFUSD Progress Report, 2012). Black youth represented a subset of 1,063 suspensions, despite accounting for merely ten percent of the overall student demographic. Under the leadership of a new district superintendent, three new school site principals, and a community school coordinator, John O'Connell made a dramatic shift in its disciplinary model, in order to circumvent the troubling numbers that had tarnished its image and advanced a reputation among the general public as an unsafe school where youth prepare for a future life behind bars.

If school is an expression of social inclusion, then youth punishment represents the symbiotic underside of systemic exclusion. Partially subsidized by federal School Improvement Grants (SIG) coffers, a rare model of inclusive and preventative Restorative Justice was resurrected. O'Connell employed an all-hands-on-deck approach to discipline. This Tier One model of school-based interventions, harnessed an epistemologically pluralistic and ecologically macrosystemic bevy of stakeholders. Students were no longer susceptible to suspension or expulsion for subjective and minor infractions, unless they were found in violation of more documentable and provable violations that involved drugs, weapons, or physical assault. The goal of this model was to cultivate a Third Space (Gutierrez, 2008) of school leadership, unsanctioned by the veiled threat of retribution, where students and practitioners work in concert to find mutually beneficial solutions to systemic issues, like poverty and truancy, rather than in top-down opposition. By employing a larger consortium of community-school partners, that included student ambassadors of RJ training, parent liaisons, and local community-based agencies from a variety of specializations (i.e., college and career counselors from TRIO and GEAR UP Programs, transcendental meditation experts, Hip Hop/spoken word artists, urban gardeners, chess masters, mural artists, mental health clinicians,



case managers for formerly incarcerated youth, etc), O'Connell was able to create classrooms that fostered long-term and active participation by students and families. Counselors also played a central role in moving this restorative mission forward. A different counselor was allocated to each grade level and responsible for facilitating an RJ class that was beholden to restorative ideals of equity and community building. Counselors led group discussions on a student-led Community Practicum Project (CPP). The CPP was meant to synthesize curriculum garnered in the students' other foundational classes while allowing students the space to forge blended learning from their personal and academic experiences. The RJ class required teachers, counselors, and community-based organizations to work in small learning teams with assigned student ambassadors to ensure that curriculum was informed by the consciousness of its students. As a result, O'Connell's emerging Restorative Justice CPP's have made strides in redressing systemic issues around The Mission and San Francisco, including but not limited to: Subsidized transportation for youth displaced by gentrification, eye glasses for families and youth who cannot afford federal health care, and free soil lead testing and soil for families whose gardens were found to be high in toxins. This approach to restorative curriculum not only shifted the locus of control from schools to community, but also engaged students as partners, pivoting away from the hyper-individualized focus on youth (mis)behavior and, instead, transforming the conditions of the students' immediate environments.

The successes of John O'Connell should serve as an example of the possibilities of an RJ program. However, many Tier Two and Three RJ programs, if/when left unchallenged, may potentially paint Black children with wide brushstrokes that converge them into one entry point of identity. Separating race, gender, and class from one another provides a shortsighted portrait of how these intersecting identities "mutually construct" a matrix of domination (Collins, 2000, p. 218) that is upheld by RJ for-deficit programs. As George Lipsitz highlights (2007), the possession of Whiteness provides an aggregate of landmines that hinder the access of Black youth to equitable learning opportunities. Thus, a critical RJ program that incorporates elements of community as a tool for subversion, "acknowledges the need for multiple counterstories and counteractions that challenge the dominant narrative within and across different spheres of influence" (Jayakumar & Adamanian, 2015, p. 36). A mutual engagement of students, families, and community partners towards critical RJ begins with the fundamental understanding that students must negotiate aspects of their identities in order to meet Eurocentric and necropolitical metrics of academic and interpersonal success.

### Limitations of Restorative Justice Applications

Restorative Justice has been utilized as a distinct way of responding to "offenders" (Johnstone, 2002). Proponents of restorative justice argue that typical solutions to crime or school-based violations tend to center the offender (Burnside

& Baker, 1994; Van Ness, 1993; Zehr, 2002). As a result, responses to transgressions have been stratified towards punishing the offender, rather than reconciling and repairing the damage done to any potential victims or community members, at large (Zehr, 2005).

Critical Race Theory (CRT) scholars argue that we must look beyond academic conventions that dismiss the pre-existing knowledge of Black children as too “urban”, or lacking credibility within educational spaces (Bell, 1980; Delgado, 1990). There is a growing corpus of evidence that underscores the epistemological disconnect between school leadership and student knowledge; a distinction which Shirin Vosoughi and Kris Gutierrez (2010) bifurcate as the difference between vertical and horizontal expertise, respectively. Additionally, by fixing a CRT lens over restorative justice programs, practitioners maintain a focus on issues that plague Black youth in economically blighted communities, that cannot be encapsulated or reported by color blind, post-racial, liberal or White paternalistic notions of need.

Whiteness is not limited to hue, but rather a political currency that is ratified and bolstered by the norms, artifacts, values, and assumptions (Museus & Jayakumar, 2012) of academic institutions. Whether schools intentionally segregate students by sorting academic privileges, pales in comparison for the need to organize restorative justice programs “to counter inferiority myths” (Delpit, 2008, p. 122). The anglonormativity of schools has demarcated Eurocentric values as the aspiration of all students, in an attempt to homogenize mentoring programs and, by extension, create a deficit quotient among Black youth. Gutierrez and Vossoughi (2010), Gonzalez, Moll, and Amanti (2005) as well as Noguera (2008) maintain that the literacy framework of culture expedites the knowledge that communities possess into the classroom in an attempt to synchronize funds of knowledge between mentoring programs and pupils towards political calibration. The lack of critical nuance that considers the macrosystemic (Bronfenbrenner, 1989) and necropolitical (Mbembe, 2003) obstacles for Black youth, hyper-individualize RJ programs. As a result, Black youth are held solely responsible for ecological challenges and as a result, issues such as poverty, gentrification, incarceration, and violence are seen as constructs of Blackness rather than an omnipresent oppression.

Critical approaches to restorative justice must imbue an understanding of both critical Whiteness (Cabrera, Watson, & Franklin, 2016) and Afropessimism (Weier, 2014). That is, a “fungability of the Black experience according” (Weier, 2014, p. 428) to what is self-defined by students, community, and family members as success. In other words, students are able to manipulate the goals of restorative justice and take stakeholder positions within the confines of leadership structures. Additionally, what is registered as “inclusive” literacy of RJ must not operate in lockstep with the silence of students whose quotient of achievement is measured in their ability to mimic the characteristics and values of the oppressor. Nocella et al. (2014) explain that the “new eugenics” (p. 178) of RJ, by fabricating illusory deficits in Black youth, is a primary obstacle to transforming the constructs of men-

toring and educating, all together. Drawing from Nocella et al.'s (2014) principles of transformative justice, a critical approach to RJ argues that we are "all involved in complex relationships of oppressors and oppressed, dominators and dominated" (p. 216). Therefore, it is incumbent upon educational practitioners to take an intersectional approach to RJ that "recognizes the significance of identities for political consciousness and behavior" (Collins & Bilge, 2016, p. 119). Restorative justice, as a transformative expression and continuum of Black liberatory political movements, offers a counter narrative to dominant ideologies of academic success, by creating an inherent connection between cultural literacy and critical subversion of power (Nocella et al., 2014, p. 180). Patricia Hill Collins (2006) extends the realm of possibility by outlining the linkage between community-centered pedagogy, like RJ, and Black feminist consciousness:

The line between altruism and exploitation can be a fine one, indeed. For example, Pauline Terrelonge contends that a common view within African American communities is that African American women can handle abuse mainly because of their 'fortitude, inner wisdom, and sheer ability to survive.' Connected to this emphasis on Black women's strength is the related argument that African American women play such critical roles in keeping Black families together and in supporting Black men that a responsibility for the status of the race rests more heavily on Black women's shoulders than on those of Black men. These activities have been important in offsetting the potential annihilation of African Americans as a 'race.' (p. 143)

### Revisiting Mason's Story

According to Irvine (1990, p. 27), "The language, style of walking, glances, and dress of Black children, particularly males, have engendered fear, apprehension, and overreaction among many teachers and school administrators." Throughout this article, we have argued that unfounded sentiments similar to those described by Irvine coupled with unjust school policies have resulted in the disproportionate punishment of Black youth. Further, we have offered and explicated RJ as a double-edged sword to restore Black youth and simultaneously transform the very schools that have caused trauma for these students. The integration of RJ as part of the larger school culture and curriculum provide schools with a viable alternative to traditional approaches for managing student behavior.

Given this, we end by revisiting Mason's story and thinking about how different the outcome could have been had the school ascribed to an organizational framework and discipline philosophy informed by restorative justice. What if, after the incident, Mason knew to whom he could go for support? How might have the school better supported the rebuilding of the teacher's and Mason's relationship? What if Mason was given an opportunity to directly address the teacher who he grabbed? What if there were fewer school-based police officers and more counseling staff in the school? How could have Mason's family and friends been more actively involved

during the disciplinary process? What if Mason's history of academic achievement and community service were taken into account? Could a Tier One intervention have prevented Mason from dropping out of school? How could the school and surrounding community have come together to address issues of violence and weapons? These questions, and a plethora of others, remind us of at least some of the wickedness of zero-tolerance policies and the critical lens through which they must be examined, particularly as they are applied to students of color. Further, these questions provide us with a glimmer of love and hope as scholars, educators, and activists work diligently to dismantle the legacy of slavery that is levied against students of color and instead offer alternative frameworks such as restorative justice.

### Note

<sup>1</sup> We use the term "Restorative Justice" (RJ) generally to encapsulate an assortment of terms such as "restorative approaches," "restorative practices," and other related iterations as conveyed by the literature.

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