



**Managing Disruptive Student Behaviour:
The Involvement of Law Enforcement & Juvenile Justice in Schools**

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ABSTRACT

In the search for more effective ways of managing juvenile violence and youth alienation in schools and in the broader community, a closer relationship between schools and a range of government and community agencies has developed. Cooperation between schools and the police and the juvenile justice system has brought benefits, but has also created tensions and exposed differences in viewpoints about how best to manage student behaviour. The control/punishment paradigm dominates the thinking of large sections of the community, as well as

politicians, many government agencies, and some educational administrators and policy makers. This viewpoint has made it difficult for promising responses to anti-social behaviour to find a place in the behaviour management strategies of schools.

Increasing public concern, media attention and political pressure over high levels of violence in schools has prompted educators to search for new and more effective ways of combating the problem (Christie et al. 1999). More than ever before schools are communicating and cooperating with a variety of government and community agencies in an effort to counter juvenile violence, other forms of crime, and the broader problem of youth alienation from society's values and institutions. This exercise has in many ways been a rewarding one, but in other ways it has exposed significant tensions and conflicts among educators and others with a stake in school education (Thorsborne & Cameron, 2001). Two liaisons serve to illustrate these tensions and differences. These pertain to the involvement of law enforcement agencies in the operations of schools, and, more importantly, the influence of developments in the area of juvenile justice, which have had a direct impact on how schools think about and formulate their approach to behaviour management. Both of these areas will be explored in this paper with reference to events and developments in both Australia and overseas.

Police in Schools

For years now police officers have taken the message of road safety directly to classrooms across the country. In recent times their role has expanded to incorporate personal safety in all its forms, drug education, crime prevention and crime detection (Sutton, 2001). The involvement of police in schools has been formalized in memorandums of understanding and through the establishment of comprehensive programs e.g. Queensland's School-Based Policing Program, and Victoria's Police/Schools Involvement Program (Sutton, 2001). These latter programs have an agenda, which includes the reduction of juvenile crime in society, the development of a better relationship between police and youth in the community, and an awareness and appreciation of the values, responsibilities, and obligations of citizens in our society. By and large these activities are well received by schools and broader community.

Crime Prevention & Law Enforcement in Schools

More controversial, intrusive, and potentially abusive, has been the direct involvement of police in crime prevention, crime detection, and related law enforcement activities in schools (Hyman & Snook, 1999). Yet to feature significantly in Australian schools, police have for some time now patrolled the corridors and schoolyards of many American schools. Some schools have installed multiple CCTV cameras to better monitor student behaviour on campus. Metal detectors have been installed as a measure to deter students from carrying weapons. Some schools require students to have transparent bags; still others resort to bag and locker searches to stem drug trafficking and drug use during school hours. Police have employed undercover agents in schools to identify drug pushers. These measures are not new to schools in areas where crime is endemic and reflects what is happening in the local community. Other schools, where problems are minimal, have nevertheless initiated crisis management and security measures in response to widespread fear following several tragic and well-publicized incidents of school shootings in the United States.

For many parents and teachers these crime prevention and detection measures have brought a greater sense of safety and security in schools. For others they flag a worrying erosion of civil liberties and an unhealthy alignment of schools with the more heavy-handed side of law enforcement. Ironically, the security measures introduced in schools have heightened students' sense of fear and vulnerability to acts of aggression (Bastian & Taylor, 1991). In addition, 'safety' and 'security' concerns can dominate the life of the school, diverting attention away from traditional school and curriculum goals.

Strip Searches

A particularly contentious practice employed in some schools in North America is the strip-search, a procedure used by the police, and employed in correctional institutions, often for the purpose of subjugating and degrading prisoner's and to remind them of who is in control. In November 1998, two weeks after the Supreme Court of Canada ruled that schools and teachers could search students (effectively denying children any rights in regards to search and seizure), twenty Grade 9 boys in an Ontario high school were strip-searched following a report that \$90 had been stolen (Ford, 1998). While this case and other incidents of strip-searches have raised concerns in schools and local communities, the practice remains legal.

In Australia, strip searches are generally confined to correctional institutions, although the practice is not totally alien to schools. In a case with remarkable similarities to the strip search carried out at the Canadian high school, two students at Mabel Park High School, Brisbane, were stripped searched as part of an investigation into missing money. The incident was reported to the Criminal Justice Commission but no charges were laid (Bantick, 2000).

Crime Stoppers

Crime Stopper programs have been introduced into schools in the United States and Australia as a means of reducing crime on and around school campuses. These programs are simple in design and implementation, they are widely acknowledged as effective, but are not without their problems. Students who witness a crime or who become aware of a possible crime are encouraged to report their information to the police using the Crime Stoppers line.

A well-publicised fraudulent call to a Crime Stoppers line in a Florida County School District highlights the potential abuse of the system. A student claimed that an eleven year-old student was going to bring a gun to school the next day to shoot one of his classmates. The

Sheriff's Department had a policy to take all calls seriously, and as a result the student's bag was searched and the family were interviewed at home. No weapons were found and both police and school officials admitted that there was no reason to believe that the child, a member of a Quaker community, had the means or inclination to carry out such a threat. The incident caused serious emotional stress to the family of the accused child and to the family of the alleged victim. The school district acknowledged that hoax calls were made on the Crime Stoppers line but have no plans to cancel or modify the program maintaining that the benefits of the program far outweighed its disadvantages (Friends Committee on Restorative Justice, 2000).

Police in Schools - The Debate

Last year, following the shooting death of a ten-year-old boy at a south London school, a decision was made to station police at schools in London areas where crime was a persistent problem. BBC News Online initiated a debate on the desirability of such a move (BBC News Online, 2001). Sixty-two responses were received before the debate was closed. While there was regret that England needed to resort to "American-style school security" the overwhelming majority of responses supported the action. What was interesting about the debate was the polarization of views around the issue of control and punishment. On the one hand were opinions criticizing the erosion of teacher powers by governments, and calling for the return of the cane and greater penalties for juvenile crimes. On the other hand there were contributors who were repelled by the "siege" mentality, "fear" and "suspicion" created by the presence of police in school buildings and on school grounds. Others decried the emphasis on punishment as seemingly the only way to respond to the problems of youth crime. These latter participants in the debate argued that the symptoms, not the causes of juvenile crime were being targeted. A number of respondents made the point that schools should be focusing on teaching tolerance rather than associating themselves with law enforcement.

The Judiciary and the Schools

The courts have, for several years now, been arbitrating on issues of duty of care, access to education, the appropriateness and quality of educational programs, and discriminatory practices in schools, both in this country and in the U.S. (see for example Bantick, 2001; O'Chee, 1998). These issues have brought parents, teachers, school administrators and government agencies into conflict; and arbitration has often failed to satisfactorily resolve important concerns about equity and social justice in school education. Legislative and judicial practices and decisions have impacted on schools in other ways too; ways which have a direct bearing on the work and role of teachers and on behaviour management in schools.

Zero Tolerance and Mandatory Sentencing

In 1994 the U.S. Congress passed two laws - the Drug-Free Schools Act and the Gun-Free Schools Act. These laws were designed to deal with the problem of drug abuse and weapons in schools. States would lose Federal funds unless they adopted policies regarding the possession of illegal drugs on school grounds. They would also lose access to funds if they did not guarantee an automatic one-year expulsion for any student who was in possession of a firearm at school.

The two Acts formalized and embedded within school discipline plans two emerging legislative and judicial concepts - zero tolerance and mandatory sentencing. At first

welcomed as a solution to crime and anti-social behaviour in the community and in schools, seven years on, opinion is divided on the merits of zero tolerance policies. While support is still strong, spurred on by the wave of public fear generated by the shootings at Columbine High School (Cloud, 1999), there is growing concern about how it is being applied, its fairness, and its effectiveness in reducing violence and crime in schools (Skiba & Peterson, 1999).

Of particular concern is the lack of flexibility in the policy and restraints placed on school officials in using their judgment and commonsense in distinguishing serious from minor and trivial offences. Bizarre incidents of the application of zero tolerance rules abound and have been widely reported in the media e.g. an eight-year old boy suspended for pointing a crumbed chicken stick and saying Pow! to a teacher; a middle school student suspended for drug trafficking when he shared his asthma inhaler with a classmate who was having a wheezing attack; an elementary school girl suspended for having a plastic knife in her lunch box, even though she turned the knife in to a teacher (Cauchon, 1999).

Zero tolerance in Australian schools is associated most with drug trafficking and use, although increasingly schools are expanding the policy to include violence and bullying. Supporters of zero tolerance were given a boost when in 1999 Prime Minister John Howard proposed a zero tolerance approach for drug users in schools. The proposal was rejected at the Premiers' Conference that year. The Victorian Premier at the time, Jeff Kennett, condemned the idea as "unworkable" and "appalling," pointing out that children who were drug users needed education not retribution and expulsion (Rollins, 1999).

In a 2001 press release the Australian Drug Foundation urged schools to exercise caution in their interpretation of zero tolerance. The expulsion of students for using drugs, the Foundation argued, drastically increased their chance of progressing from experimental to habitual drug use (Australian Drug Foundation, 2001).

Since its introduction in the US legal system and in schools, researchers and commentators have noted that the policy of zero tolerance unfairly targets racial groups and disadvantaged groups (Donohue et al. 1998). In schools, for example, statistics on suspensions and expulsions under zero tolerance rules reveal that African-American students, students from low socioeconomic backgrounds, and low achieving students are disproportionately represented (Skiba & Peterson, 1999). The American Bar Association, disenchanted with how the policy was being applied in schools, recommended that the practice be dropped (American Bar Association, 2001). Describing zero tolerance as a "one-size-fits-all" approach to discipline, the ABA stated that zero tolerance policies, which mandated expulsion or referral to juvenile or criminal court, without regard to the circumstances or nature of the offence or the student's history, were unfair and inappropriate for many children.

While proponents of zero tolerance point to the example of how crime in New York City has been dramatically reduced through zero tolerance policing and laws, the success of the policy in schools is more difficult to argue. There is general agreement, however, on the fact that zero tolerance has led to dramatic increases in the use of school suspensions and expulsions (Skiba et al. 2000). Normally restricted to the most serious forms of misbehaviour, including criminal behaviour, principals are being pressured to exclude students for relatively trivial matters such as pranks and hoaxes, to placate parents, many of whom have irrational fears about the dangers posed to their children by other students. This trend is not confined to the U.S. Twelve high school students were suspended from N.S.W schools for making death threats against teachers and classmates, in the aftermath of the Columbine High School shootings (Nason, 1999). While the N.S.W Education Minister, John Aquilina, admitted that the incidents were most likely pranks and that the students had no

intentions of carrying out their threats, he had no regrets that the suspensions were imposed (Harris, 1999).

Criminologists warn against the use of suspensions and expulsions for crime control unless there is evidence of a real threat. In his report on preventing school violence for the Safe and Responsive Schools Project, Russell Skiba analyzed disciplinary data at both the district and national levels (Skiba et al. 2000). He found suspensions for the most serious infractions (drugs, weapons, gang violence) were relatively infrequent. Most suspensions were levied on students who were tardy, absent, disrespectful or non-compliant. William Ayers described suspension as a form of abandonment, where the door closes on conversation and any further attempt at reform (Ayers, 1997/1998). This view is supported by data on alternative programs and schools. Fewer than half of the states in the U.S. require and/or offer alternative programs for excluded students (Cauchon, 1999). Similarly, in Australia, while the number of alternative programs and schools has increased enormously in the past two to three years, there are insufficient places available for the number of students for whom alternative education arrangements are needed (Nolan, 2001). Outside the school environment and often unsupervised, expelled or suspended students can see themselves as social misfits and victims of an authoritarian regime. Resentment may build up, increasing the likelihood of participation in more serious forms of delinquency and anti-social behaviour. According to a recent Australian Law Reform Commission and Human Rights and Equal Opportunities Commission report, eighty percent of juveniles in detention centres in New South Wales were suspended from school at least once. One in three had been suspended five times or more (Vass, 1997).

"Three Strikes"

The "three strikes" rule adopted by the Californian legislature in 1994 is another legal practice which has found its way into schools. Designed as a measure to get tough with repeat offenders who commit serious crimes, the law has progressively been applied to lesser offences.

Many schools have found the "three strikes" approach appealing and particularly useful in dealing with student behaviour problems. In Mississippi, all students older than thirteen years are subject to the educational equivalent of a 'three strikes' law (Wald, 2001). Passed by the legislature in 2001, the bill allows for the expulsion of a student deemed to have been 'disruptive' in class three times over the course of the year. While less inflexible and arbitrary than zero tolerance, this practice, wherever it is applied, has led to mandatory punishment for a greater range of school behaviour problems - problems that under most circumstances would be dealt with using procedures from the normal repertoire of school behaviour management strategies.

What Statistics on Juvenile Crime Really Tell Us

The impetus for the current emphasis on safety in schools in the U.S. and elsewhere is based on the belief that crime and violence are real and ever present threats to students and teachers in schools. While any level of violence in schools is disturbing, the most recent figures in the U.S. indicate that school violence has stayed essentially the same over the past decade. In specific areas of crime, there has actually been a decrease (Skiba, 2000). On current figures, a child in the U.S. is three times more likely to be struck by lightning than to be killed violently at school (Donohue et al. 1998). A similar pattern can be found in Australian schools. Physical and verbal violence exists, but the levels are nowhere near

crisis proportions (House of Representatives Standing Committee on Employment, Education & Training, 1994; Johnson et al. 1993).

Despite these statistics, it is the fear of a breakdown in law and order in schools, which drives legalistic and punitive responses to discipline problems. It is this fear and a belief in the value of punishment that underpins the continued legality of corporal punishment in twenty-three states in the U.S. and in many private school systems in Australia. The same fear and beliefs regularly surface in the Australian media when there are calls from the public and from some educators for a return to the cane (Fynes-Clinton, 2002). These views create an environment where teachers and other school personnel believe they have tacit approval to engage in verbal assaults on students, actions that, in many instances, constitute psychological maltreatment (Hyman & Snook, 1999). The American Civil Liberties Union has begun to express concern about what it perceives as a conservative backlash against "subversive" elements in the nation's schools (Lusetich, 1999). Targeted are disaffected youth who are subjected to interrogation, reprimand, and suspension, for their lack of conformity in the clothes they wear, the music they listen to, the literature they read, and the opinions they express. One has to seriously address the question whether this is the direction we want education in our schools to take.

Towards a Positive Response - Restorative Justice

Concerns abound about the involvement of law enforcement agencies in schools and the employment of judicial practices in the repertoire of school behaviour management strategies. Of particular concern is the emphasis on punishment as a key response to disruptive behaviour and the lack of flexibility and professional discretion teachers can exercise under zero tolerance and 'three strikes' regulations. These responses are arguably necessary for some students and some behaviours, but are of questionable appropriateness for the majority of problem behaviour students. Further, they help foster a mindset that behaviour management is best achieved by withdrawal, exclusion, and segregation at a time when so much of the education system and the curriculum in Australia and in the United States, is focused on inclusion and the recognition and accommodation of students from diverse backgrounds and with a great variety of social and educational needs.

Not all of the influences permeating school education from juvenile justice are so punitive and controlling in nature though. Running against the tide is 'restorative justice' (Wachtel, 1999). Restorative justice is very much a philosophical framework for an alternative way of thinking about crime and criminal justice (Clairmont, 2000). Crime is viewed primarily as conflict between individuals resulting in injuries (harm) to victims, communities, and ultimately the offenders themselves. Lawbreaking is only a secondary consideration (Umbriet & Coates, 1999; Van Ness, 1993). From this perspective, crime harms human relationships, and as a result the goal of justice is to repair the harm done and to restore the relationships among individuals and the community. This approach contrasts with traditional criminal justice practices where retributive justice is applied, a process which often leaves those involved feeling disenfranchised, disenchanting, and dissatisfied (Moore, 2001; Wachtel, 1999).

Restorative Justice in Schools

In the past eight years, restorative justice in the form of family/community conferencing has been trialled and/or adopted in schools right across Australia. First used at Maroochydore State High School in 1994 to deal with an incident of assault after a school dance, conferencing was subsequently trialled in 119 schools across seven school regions during

1995-96. The conferences in this trial dealt with cases of assault, bullying, property damage and theft, drugs, behaviour damaging to the reputation of the school, truanting, verbal abuse, and persistent disruption in class. One case of a bomb threat was also dealt with.

The findings of the trials were generally positive and encouraging (Queensland Department of Education, 1996; Education Queensland, 1998). Participant satisfaction was high, as were compliance rates for agreements signed by offenders. There were low rates of re-offending and victims felt safer and more confident about handling similar situations in the future. Offenders felt less estranged from their peers, teachers, school administrators, and families. Most family members on the victim and offender sides expressed positive perceptions about the process and outcomes. School principals felt the process reinforced school values. Most schools showed evidence of a change in thinking about managing student behaviour problems. That change was a movement away from a punishment orientation towards one of restoring relationships.

In 1997 conferencing was introduced in schools in N.S.W. as part of the Department of Education's 'Alternative to Suspension' project (Strang, 2001). Half of the conferences dealt with problems of bullying. The Department assessed the program as the most successful technique used to date to deal with this type of problem. Similarly, in 2000, the ACT Department of Education took the first steps to adopting restorative justice in schools to deal with problems of bullying and harassment. An initial cohort of twenty teachers from eight schools were trained in restorative principles and practices. An evaluation of this project is currently underway (Strang, 2001).

While all indications are that restorative justice can be implemented successfully in Australian schools with positive results, the Queensland experience has exposed a fundamental conflict in views about discipline in schools. Despite the promising results of the trials, the Queensland Department of Education (now Education Queensland) withdrew its funding and support for restorative justice following the completion of the trials. Under-resourced, schools have had difficulty undertaking conferencing, even where there was a belief in the value of the strategy. Margaret Thorsborne, Director, Transformative Justice Australia, claims that central office staff were uncomfortable with the shift from control and punishment as the primary approaches to discipline to one of building and sustaining positive relations in school communities. In many respects these administrators and policy makers were reflecting what they believed to be the views and expectations of the broader community, of parents and of teachers in particular (Lovegrove & Lewis, 1991).

Thorsborne makes the point that with the abolition of corporal punishment in Queensland in 1994, an opportunity existed to reevaluate the nature and exercise of power and authority in the state's schools. This opportunity was missed as dialogue about discipline became narrowly focused around how to replace the cane with other measures of control (Thorsborne, 2001). Further more, the continuing view that the causes of misbehaviour in schools resided within the child deflected attention away from issues of culture, curriculum, organization and pedagogy, as sources of problem behaviour in schools and youth alienation in general. Suspensions and exclusions filled the gap and produced the pressure valve demanded by teacher unions. As a result, suspension and exclusion rates in Queensland and right across the country dramatically increased (Slee, 1995).

It could be argued that the change required to move from traditional control views of discipline is too great for schools to take on board. And yet this level of change is possible as has been found in the Department of Education sponsored restorative justice program introduced at Lewisham Primary School in Sydney (Strang, 2001). In that school every teacher received twenty hours of training in restorative justice principles and practices, followed up with periodic booster training to help maintain commitment and skill. A change in

behaviour management culture was effected at the school, and this, it seems, is what is necessary for restorative approaches to take root (Strang, 2001).

Conclusion

Schools are notorious for implementing programs to remedy perceived social crises or to advance politically correct agendas (Kalahar, 2001). The increasing involvement of the juvenile justice system and of police and law enforcement in schools has come about because of real and perceived threats to the safety of students and teachers. But it is also driven by political imperatives and pressures without very much consideration of the educational implications of resulting actions. Quick fix, knee jerk responses to what are complex, multi-faceted social problems abound. The underlying themes of many initiatives revolve around punishment, control, and exclusion. These forces run counter to dialogue within the field of education which has recognised that the punishment/control paradigm of schooling and discipline is counter-productive to the goals of education and in particular to education for citizenship. Of considerable concern is the extent to which the professionalism and expertise of teachers has been undermined by some of these initiatives. It may well be that teachers are generally unaware that programs and regulations introduced to counter anti-social behaviour and to bolster the safety of the school community also come at a cost. As schools move towards more whole-school approaches to behaviour management and the engagement of non-school agencies in the process, the question of who controls behaviour management in schools becomes very real. Educators have a notoriously weak voice on matters that are of considerable professional concern. Can they and their clients afford to have that voice weakened further?

Unquestionably the school has a pivotal role to play in arresting the problem of youth violence and crime, and anti-social behaviour in general. Educators need to accept this responsibility with more openness and vigour than currently shown. Interagency cooperation and involvement is one facet of what needs to be a multi-dimensional approach to a worrying social problem. Schools cannot operate in isolation from the communities they serve and the community agencies that exist to meet the needs of citizens. In the process of cooperation and collaboration though, educators need to be conscious of securing a measure of control over what they know best - the education process.

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