Developing a School-Based Youth Court: A Potential Alternative to the School to Prison Pipeline

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I. INTRODUCTION

Youth Courts exist throughout the country and are based on education policy attempting to address, through alternative means, issues of student discipline in schools. In 2006, there were over 1,250 Youth Courts in the United States serving as many as 125,000 offenders and utilizing over 100,000 youth volunteers.¹ Most of the Youth Courts are housed within the juvenile justice system (42%) while 36% are school-based and 22% are community based.²

Youth Courts are a policy solution aiming to reduce the “push-out” phenomenon that tracks students into what has been termed the “school to prison pipeline.”³ Youth are empowered to play a determining role in judging youth offenders by serving as jurors and handing down sentences.⁴ Students also have the opportunity to play the roles of judge, attorneys, bailiff and clerk. Youth Courts provide many benefits; they help to reduce juvenile court costs, lower recidivism rates, and provide

¹ JEFFREY SCHNEIDER, YOUTH COURTS: AN EMPIRICAL UPDATE AND ANALYSIS OF FUTURE ORGANIZATIONAL AND RESEARCH NEEDS (George Washington University, Hamilton Fish Institute on School and Community Violence 2008).
opportunities for offenders to learn law related citizenship and personal skills.5

There is little to no empirical research on the implementation or efficacy of school-based Youth Courts. To date, only one recent study has explored these types of courts.6 All other studies have been on juvenile justice diversionary Youth Courts.7 Hirschinger-Blank et al. look specifically at the experiences of the youth volunteers but do not consider the implementation experiences of the organizers, teachers or administrators.8 As schools are increasingly turning toward a Youth Court model as a preferred alternative to traditional discipline policy, this research adds support to these endeavors.

This Article explores the early development of a school-based Youth Court in an urban area in Texas. Forged through a partnership between the local school district and a large public university law school, this collaborative and novel approach to student discipline is unique.9 The observations are basal, as the Youth Court is still not fully operationalized. However, an analysis of the implementation process offers insight into the tensions that exist when two institutional systems—legal and educational—begin to co-exist.

In the discussion that follows, we begin with a review of the literature on the school to prison pipeline and a description of Texas’s discipline policies in schools and its increasing reliance on the legal system. We follow this with the analysis section and a contextual site description of Parker Middle School. We then discuss the traditional framework utilized for the development, goals and policy assumptions of Youth Court programs. Using this framework, we overlay our observations of the challenges of the early implementation process of the program. The Article concludes with an explanation of planned future research and potential implications of the research for school-based Youth Courts.

The purpose of this Article is to expand the scope of the limited empirical research on school-based Youth Courts by utilizing qualitative data

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7. Id.
8. Id.
9. We have used pseudonyms throughout the manuscript to protect the nascent partnership between university, school, and community.
from personal communications with law students and faculty charged with implementing the first phase of the Youth Court. Through the implementers’ observations and experiences, the following research questions are addressed:

1. How is a school-based Youth Court developed and implemented?

2. Did the implementation coincide with the intended goals and purpose of the Youth Court developers and school staff?

II. DISCIPLINE AND THE SCHOOL TO PRISON PIPELINE

Over the last two decades, youth crime has steadily declined. However, public school approaches to discipline have become exceedingly more punitive. Schools have increasingly imposed harsher sanctions on students resulting in a systematic and pervasive “pushing out” of children from schools into the juvenile justice system and into the proverbial school to prison pipeline.

Since the 1990s, new terms like “juvenile super predator” have arisen in the literature and in crime policy discussions around the country. The massacre of high school students in Columbine, Colorado by two of their own peers ignited a societal reaction of fear and demands for tough consequences for youth violence. The public and policymakers began looking for solutions pressured by the enormous budgets being spent on prosecuting, detaining and rehabilitating criminals.

The focus on delinquency is in part, a focus on the “get tough” policies on adult crime. Adult criminals were often juvenile offenders.
Preventing delinquency in youth may reduce adult criminal activity and the additional burden born on society, victims and, of course, taxpayers. In response, more research is being conducted around juvenile offenders with a variety of programs and interventions being proposed to both prevent youth crime and rehabilitate offenders.\(^\text{16}\)

The result, whether it is real or just perceived, is a growing concern of violence in schools and a renewed focus on ways to address it. The public is wary of another Columbine. Yet, many schools have jumped to overly reactionary responses that far exceed the threat. Out of fear, schools have clung to old ideas of school discipline that are both punitive and destructive.\(^\text{17}\) These approaches are largely based on zero tolerance principles and rhetoric.\(^\text{18}\) School districts utilize zero tolerance policies to mandate pre-determined, typically harsh, consequences or punishments (such as suspensions and expulsions) for a wide variety of rule violations.\(^\text{19}\) Far too often schools apply punitive measures to frequent and usual student behaviors—minor, disruptive behaviors, such as tardiness, class absences, disrespect, and noncompliance.\(^\text{20}\)

Most troubling with regard to the increase in disciplinary action against students is the disparate impact on children of color and children with disabilities.\(^\text{21}\) Poor, minority children and those with disabilities are over-represented in this population of students, rejected by their schools and sent to “alternative” placements for their behavior.\(^\text{22}\) They are disproportionately subjected to punitive actions by teachers and administrators and are at the highest risk for delinquency.\(^\text{23}\)

A meta-analysis of youth at risk found that low achievement has the strongest relationship to youth crime and that academic issues often

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\(^{16}\) David Springer et al., *A Brief Historical Overview of Juvenile Justice and Juvenile Delinquency*, in *Juvenile Justice and Delinquency* (David Springer & Albert Roberts eds., 2011).


\(^{19}\) Skiba et al., *supra* note 11.

\(^{20}\) Id.


\(^{23}\) Christie et al., *supra* note 3, at 70.
bring about behavioral problems that result in the removal of students from classroom instruction. These removals perpetuate a cycle of failure whereby students lose access to educational and social development opportunities, fall further behind and become even greater behavioral concerns when they re-enter school. This “push-out” of children from schools strongly correlates with higher drop-out rates and increased involvement with juvenile court and the correction system. As indicated in a recent report,

[S]chools with higher rates of school suspension and expulsion appear to have less satisfactory ratings of school climate, . . . less satisfactory school governance structures, and to spend a disproportionate amount of time on disciplinary matters. Perhaps, more importantly, recent research indicates a negative relationship between the use of school suspension and expulsion and school-wide academic achievement, even when controlling for demographic factors such as socioeconomic status.

Given the potential disastrous effect of current exclusionary discipline policies, educators and policymakers have been keen to seek out viable alternatives for the system. Many of these alternatives are based on restorative justice models that attempt not to impose arbitrary consequences as a deterrent for misconduct but rather educate the offending student and discourage future misconduct through supportive services that teach and foster pro-social behavior. With increasing regularity, the policy solution offered manifests in a Youth Court program. While Youth Courts may have been in existence for 30 years, it is just during the last decade that they have become the most replicated juvenile justice program for non-violent offenders.

27. Skiba et al., *supra* note 11, at 854.
29. *Schneider, supra* note 1.
III. TEXAS SCHOOL DISCIPLINE ENVIRONMENT

Texas has the largest number of children subjected to corporal punishment in the United States. In 2006-2007, of the 223,190 students disciplined with corporal punishment, 49,197 of those students attended Texas schools.\(^{30}\) The numbers show a strong preference for an overly punitive approach to behavior. This is exemplified by the statistics related to Texas’ school-to-prison pipeline. Texas school districts suspend, expel or refer at-risk minority students to alternative schools at disproportionately higher rates compared to the overall population.\(^{31}\)

In Texas, the likelihood of a child receiving a disciplinary referral depends more on the school attended (i.e. poor, minority) than the nature of any offensive behavior. In 2007-2008, Texas public schools removed more than 100,000 students from their regular classrooms and sent them to alternative disciplinary placements; two-thirds of the 100,000 students were removed at the discretion of local school districts not for behavior for which removal was mandated by law.\(^{32}\)

Recently, Texas schools have made headlines for their use of misdemeanor ticketing for student misconduct. Texas Appleseed, a nonprofit advocacy group, examined data from 22 of the state’s largest school districts and eight municipal courts.\(^{33}\) Over six years, school police issued 1000 tickets to elementary students in 10 school districts. Children as young as six years old received tickets. All of the school districts studied increased the presence of police on school staff and most experienced an associated increase in the numbers of tickets issued to students, with one district seeing a climb in ticketing rates by as much as 95%.\(^{34}\) The use of tickets in very real terms criminalizes student


\(^{31}\) TEXAS APPLESEED, WHEN MY CHILD IS DISCIPLINED AT SCHOOL: A GUIDE FOR FAMILIES (2009).

\(^{32}\) Id.


\(^{34}\) TEXAS APPLESEED, TEXAS’ SCHOOL-TO-PRISON PIPELINE: TICKETING, ARREST & THE USE OF FORCE IN SCHOOLS, HOW THE MYTH OF THE ‘BLACKBOARD JUNGLE’ RESHAPED SCHOOL DISCIPLINARY POLICY (2010).

\(^{35}\) Id.
behavior. Misdemeanor tickets are disposed of in municipal court. Tickets carry with them fines ranging from $50 to $500, require students and a guardian to appear in court and can potentially stay on a student’s record into adulthood.36

In a system that chooses to punish rather than to prevent problematic behavior and to use violence, exclusion, fines, criminal courts and even incarceration to deter children from conduct deemed inappropriate, the outlook may seem bleak. But, programs like Youth Court offer an attractive alternative as they rely on existing structures and systems. They use a model that mirrors the traditional system but supplant it in a new locale with different actors and arguably, very different goals.

IV. THE YOUTH COURT FRAMEWORK

The Youth Court model is similar in many ways to traditional courts. Teachers, school officials or police can offer juveniles the option of Youth Court following their arrest, ticket or after a disciplinary school referral. To qualify for the Youth Court, juveniles must admit guilt. The Youth Court is responsible for determining the consequences of the action, taking into account any material put before it by the juvenile or other parties. The entire court, including judge, attorneys, jurors, bailiff and clerk are student peers. If a juvenile declines to go to Youth Court, he or she may be subject to a referral to juvenile court, a criminal record and the penalties that may be imposed including fines and possible confinement to a juvenile detention center.37

The main goal of the student run Youth Court—and what distinguishes it from traditional courts—is its attempt to prevent the criminalization of students by directing them away from the formal intake of the juvenile justice system. With Youth Court, they will not have a criminal record nor be subjected to the more constraining conditions imposed by a real court of justice. Youth Courts create a different pathway for addressing student misconduct. In a sense, they reject traditionally held views about the management of student behavior and more importantly, the superiority of the teacher and administrator to determine appropriate consequences for students.

36. Goodwin, supra note 33; Horansky, supra note 33.
The Youth Court model is based on a restorative justice underpinning. Restorative justice in turn, is supported by core restoration values. Larry Brendtro et al. propose that these values reflect the underlying beliefs that: 1) children are rich resources that can benefit communities; 2) young people are educators’ social equals; 3) children can develop problem-solving skills, pro-social character traits, and healthy self-concepts; 4) children’s physical, educational, social, spiritual, and emotional needs must be met; 5) families are the best environments for healthy development of children, but everyone can help; and 6) every child [should] succeed; no child fails.

It is assumed that a discipline model run by youth will be more effective in addressing problem behavior and deterring future misconduct. The architects of Youth Court strongly believe that their program will decrease referrals to the juvenile courts and will ultimately decrease problem behavior as students take responsibility not only for their own actions, but also for those of their fellow students through their participation in a student run-parallel court.

The strong symmetry between the established juvenile justice system and the Youth Court model cannot be ignored. The players have changed but the structure looks very much the same. This reliance on a parallel model underlies a further assumption by implementers of such programs that the current justice structure is the correct one and simply requires different participants in order to produce different results. Youth Court proceedings look entirely the same structurally to juvenile courts but the consequences imposed are restorative in nature (e.g. peer mentoring, after school tutoring and extracurricular activities) rather than punitive (e.g. monetary fines, criminal records and court ordered detention).

The policy designers of the Youth Court presume that students will want to participate in their program. They believe that a Youth Court model will be attractive to volunteers as well as offenders; that a courtroom design will resonate with students; and that there is a general buy-in, or acceptance of the justice system as it exists outside of schools. If

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40. LARRY BRENDTRO ET AL., NO DISPOSABLE KIDS, 156-58 (Sopris West. 2001).
41. Interview, Shannon Bobby, Law Professor (Heather Cole ed., 2010); Interview, Maria Cadena, Law Professor (Heather Cole ed., 2010).
students entirely reject the status quo, there would be no incentive to participate in the program. It is also assumed that the similarity of Youth Court to juvenile court will not dissuade students from taking part in school and that they will embrace their roles and the procedures of the traditional establishment. In its development, there has been no recognition that familiarity with the system may in fact, breed contempt for school and the system of discipline. From the perspective of those in charge with the initial implementation of Youth Court, there is a strong underlying faith that students will have an interest in criminal proceedings, will want to be familiar with courtroom structures and will be inquisitive and open to teaching and direction by law students as they act as mentors for the program.

V. ANALYSIS OF SCHOOL-BASED YOUTH COURT

Using a school-based Youth Court as the center for analysis, this article delves into and details the underlying assumptions, expectations, and goals of the Youth Court. We query academic-oriented law students and faculty who are tasked with translating a vision of a few individuals into a workable policy model for a school. In determining how school-based Youth Courts are developed and implemented, the translation of policy into practice is discussed through the articulated and observed perception of the Youth Court design team with attention paid to the successes, disappointments and initial challenges of the implementation process.

As the intervention develops, the aspirations of the developers will be juxtaposed with the impact on and perceptions of the school staff—to better understand the intended and unintended consequences of a new program based upon an alternative discipline policy. Currently, outcome data to test efficacy is unavailable and so the work focuses on a descriptive implementation analysis utilizing contextual descriptions based on seminal personal communications with the large public university Law School students and faculty as they worked to build a Youth Court at Parker Middle School.

One possible limitation is that the research does not include formal interviews with school and district personnel. The project has often been delayed as the law school team has encountered barriers and navigated the logistical issues raised by the introduction of a new Youth Court program. These obstacles will be further explored in the forthcoming obser-
vations section. When the Youth Court program is fully established, more stakeholder data will be collected. Also, this article does not specifically address middle school student perceptions and behaviors as the program is only in its infancy and such data reporting would be premature.

This work is descriptive in nature, utilizing qualitative data collected from Youth Court organizers based out of the large public university Law School. At this time, only the law school affiliates personnel are involved in the setting up of the Youth Court. The design of the program, the instruction of the student volunteers and the coordination with the school was conducted solely by these individuals. Amongst the respondent ranks were nearly 20 volunteers including students from the law program’s juvenile justice seminar, the pro bono program and the faculty personnel supervising the students.

VI. DESCRIPTION OF THE COMMUNITY AND SCHOOL SITE

Parker Middle School is a public middle school in a mid-sized Texas city. Parker is located in the Peters area in a central urban area along a major interstate highway. The school opened in 1968, a time when new apartment complexes and subdivisions had changed what was once a rural African American neighborhood on the edge of the city into an urban community. As the Peters neighborhood grew between the 1970s and 1990s, the demographics of the area changed. In 1970, Peters was a predominately African American community with a population under 1,000. Peters is now home to more than 20,000 people—of which the majority is now Latina/o.

Parker Middle School currently serves predominately low-income minority students. In 2009-2010, the racial demographics of Parker Middle School were about 86% Latina/o, 10% Black, and less than 4% White, Native American, and Asian or Pacific Islander. Concurrently, 97% of the student population at Parker was economically disadvantaged compared to 57% in Texas. About 11% of the student population was categorized as special education compared to 9% in Texas. English Language Learner (ELL) students were about 50% of the population at Parker, which was more than the state average of 17%. Notably, around
a third of Parker students de-enroll during a typical school year, moving to other cities and neighborhoods.

After making strides in academic performance during the 1990s, Parker Middle School was recently targeted by the state education authority for school closure based upon multiple years of low student scores on the state’s standardized tests. In 2006, the state Education Commissioner placed a state intervention team at Parker to observe student achievement. In 2007, the school district’s Board of Trustees, district administration, and local stakeholders sent a letter to state education authority expressing that it was their desire that Parker continue to serve students in the Peters community and remain open. In 2009, Parker made a “near miraculous turnaround” to clear state standards and stay open.

Being no stranger to change or interventions, Parker Middle School embraced the opportunity to be the local progenitor of a school-based Youth Court project. Parker offered the perfect site to pilot the program as its middle school students are still at high risk for contact with the juvenile justice system. Despite modest success in recent years, police and local officials have identified the school as having a large gang presence. Understandably, many of its students have already had some kind of interaction with the criminal court system.

VII. IMPLEMENTATION CHALLENGES: A SCHOOL-BASED YOUTH COURT

The idea of a locally based Youth Court arose out of a juvenile justice law school seminar at the large public university Law School in the fall of 2009.42 Five students in the class began developing the idea along with their professor and were able to bring the idea to the local school district the following semester. The initial implementation in the spring of 2010 was mostly around organizing the program at the Law School. Differences arose in determining the design for the court. Among the founding members of the team of students involved with the project, only one had any formal and sustained teaching experience.

When a call was made at the law school to bring in volunteers for the Youth Court, a number of law students that were former teachers got

42. Interview, William King, Law Student (Heather Cole ed., 2010).
involved. They quickly pointed out that the design reflected teaching styles and skills for training student volunteers for the court that would be appropriate for law students but not for middle school students. The program had a sporadic and slow start in the spring as developers attempted to remodel the program. At that time, the Boys and Girls Club (BGC) facilitated the program by assigning students in the afterschool program to participate in Youth Court. The Youth Court was not part of the scheduled school day.

Over the summer of 2010, one of the law student volunteers worked independently along with the faculty supervisor of the Youth Court program to develop a training manual for the court. A former teacher, she approached the task with the creation of lesson plans and a clearly articulated vision and mandate for the court. The student and faculty member had high hopes for the school year. They tried several times over the summer to meet with school officials and begin planning for next year. Their objective was to start early and have the Youth Court scheduled into the school day. They wanted to let students and parents know about the program early so they could solicit a wide range of participants. They also hoped to get the school administration and staff involved so that they would be aware of the alternative model and think about redirecting their discipline issues to the Youth Court.

While the school administration was and continues to be supportive of the program, they also faced multiple and competing priorities. Summertime meetings never materialized due to multiple logistical challenges. The Law School designers were not able to implement the program at the start of the school year as planned. Organizers initially faced difficulty getting space in the school to host the training, allocating class scheduled time for the program, and finding and accessing a broad spectrum of student participants. Conversations are still ongoing with respect to the referral of students for disciplinary action.

43. Id. The initial design was to be run more like a moot court program. The former teachers pointed out that the program needed to be broken down into “teachable components” with a curriculum designed to explain the court process over time to the students scaffolding the concepts so the middle school students could understand them before they simply jumped into a model court.
44. Interview, Nancy Gomez, Clinical Law Professor (Heather Cole ed., 2010).
45. Interview, Diana Ying, Law Student (Heather Cole ed., 2010).
46. Interview, Gomez, Clinical Law Professor.
47. Interview, Gomez, Clinical Law Professor.
While some of the issues were addressed once school had begun in the fall of 2010, there was still some delay. Spillane et al. argues that a cognitive perspective in policy implementation research pivots on whether and in what ways local implementing agents’ understanding of policy demands impacts the extent to which they reinforce or alter practice.\footnote{48} For the Youth Court organizers, underestimating or at least not fully accounting for the other strains on the school created some tension and anxiety as they pushed to meet deadlines and priorities they had set to get the court up and running.

Indeed, there were tensions between the two systems—legal and school—that affected implementation. Parker Middle School had only recently proven itself worthy of continued operation by improving test scores. Furthermore, enrollment and attendance at the beginning of the school year was the most pressing issue for school administrators. Their concern was making sure students were in school—then learning and behaving. As a result, the Youth Court program must be considered in light of the context of the school: its location in the poverty stricken Peters neighborhood, the incidence of youth and gang violence, and persisting low-achievement of students. There were definitely multiple issues to attend to at Parker.

Policy implementers, including the designers as well as the school administrators, teachers and participants, have collided in their own idealized interpretations of the Youth Court program. For some, the program was just another program like so many before it that drew little interest to staff; many had no idea of its existence. For example, when space was finally allocated to the Youth Court almost two months into the new school year, the teacher whose room was being used for the Youth Court training appeared unaware of the schedule and the program itself.\footnote{49} Despite the fact that the Youth Court began its operation in the spring of 2010, it was not until several weeks into the fall of 2010 that the school agreed to provide some class scheduled time for the organizers to offer the Youth Court. Prior to that, the entire program had to be administered after school, limiting the participation of the students.

A large part of how well a Youth Court model rolls out greatly depends upon whether the broader school community absorbs the

\footnote{48. See James Spillane et al., Policy Implementation and Cognition: The Role of Human, Social, and Distributed Cognition in Framing Policy Implementation, in New Directions in Education Policy Implementation: Confronting Complexity (Meredith I. Honig ed., 2006).}

\footnote{49. Interview, Gomez, Clinical Law Professor.
restorative justice model. Indoctrination of restorative values goes beyond individual acceptance and may be part of what Spillane et al. call a “distributed cognitive framework” in which the school community as a whole adopts and lives the values of a proposed reform.\(^5^0\) Looking beyond the implementers’ outlook and probing the teachers’ assessment of student participation and the impact on student engagement may determine whether such distributed policy cognition actually took place. In addition, exploring the students’ perspectives on the Court and its effect on their school community will do much to uncover if the implementers possessed the necessary acumen to successfully implement a new alternative to student discipline.

To date, it is too early to tell whether or not there is a shared vision. In fact, implementers of the program are still in the process of developing the shared vision. But, there have been early incidents of organizational and structural challenges related to goal alignment, cross-communication and empirical support and direction that may foreshadow a somewhat uncertain road ahead. To illustrate, when the faculty supervisor met with the Parker discipline team to discuss referrals to the court they narrowly defined which types of offenses they thought could be redirected. When the large public university Law School representative suggested that an incident of aggressive verbal behavior towards a teacher or another student be a possible infraction for Youth Court, she was told that was potentially a “ticketed offense” and not appropriate for the Youth Court.\(^5^1\) It appeared from the conversation that the school discipline team, at least at the early stage of implementation, was mainly interested in referring less consequential student misconduct such as persistent lateness to class and minor disruptive behavior. While the law school organizers did not perceive this early restriction as problematic since their preference was to build capacity over time,\(^5^2\) the narrow scoping of the types of referrals on the part of the school suggest a potential disconnect with the overall goals of the Youth Court program and the school.

Whether the intended goals of the developers and the perceptions of the school community of the Youth Court are in sync with one another is a continuing question. This may be, in part, due to the evolving coordination between the school staff and the developers. The early imple-

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\(^5^0\) See Spillane et al., supra note 48.
\(^5^1\) Interview, Gomez, Clinical Law Professor.
\(^5^2\) Id.
mentation and design of the program has been carried out almost entirely independently of the school. While discussions are proceeding with respect to referral procedures, the curriculum and implementation of the program itself has been left to the law school team. 53 From a policy implementation perspective, a co-construction of policy is, for the most part, absent. There is no acknowledgement of the relational sense of context with respect to the design of the program. 54

The Youth Court program has struggled in a vacuum. At stake is the development of a collaborative mission for the Youth Court. As Amanda Datnow explains, “people’s actions cannot be understood apart from the setting in which the actions are situated, and reciprocally, the setting cannot be understood without understanding the actions of the people within it.” 55 As the developers work within a heavily bureaucratic system, they are facing a school staff that is entrenched within other pressing needs—not the least of which is simply keeping the school open. So, at times, it seems as if some of the school staff might be somewhat reticent (despite their stated support) to accept the Youth Court intervention.

Another potential obstacle for the developers is the state’s institutionalized view of how discipline should function in school (as noted earlier). The state education authority has reported that Parker Middle School has a high referral rate to juvenile and municipal court for school offenses related to student misconduct on campus. There is a strong law enforcement presence and reliance on police at the school. The disciplinary trends at the school highlight a legal trajectory for students that spirals them directly into the school to prison pipeline. The Youth Court is an equity-minded reform. 56 As such, it magnifies contradictions of traditional student discipline philosophy and the structural marginalization of minority students in schools. 57

53. Id.
55. Id. at 107.
Information collected from those in charge of implementing a new and understudied school-based Youth Court program yields invaluable information for alternative discipline policies in the educational field. In addition, overburdened juvenile courts and the juvenile justice system are looking for ways to redirect the numbers of students being referred from schools. As such, educational and legal institutions can benefit. As schools struggle to reform the way they address student behavior, stakeholders watch and anxiously await the results. Living in a climate of immense criticism of public schools, increasing violence and rising dropout rates, a program that offers some respite to these ills will be quickly consumed by the field and greatly contribute to where there is currently a paucity in the research literature.

There is no shortage of reform initiatives underway in our schools. This is in part due to a continuous barrage of concerning data showing among other things, a decrease in overall violence, an increase in different types of violence and failure in our schools—including a rise in bullying, poor student performance on standardized tests, increasing dropout rates, and high illiteracy rates among marginalized youth. The problems are plentiful but solutions appear in short supply. Youth Courts are offered as one means of addressing a variety of problems faced in our schools. Not only do they directly attempt to combat student misconduct, it is hoped that indirectly, they will affect student attitudes, school climates and eventually, even the greater systemic issues of student dropout and the push-out into the school to prison pipeline.

This preliminary study is the first of what is hoped to be a suite of studies on the Parker Middle School Youth Court. With limited research on school-based Youth Courts, Parker offers a unique opportunity for not only initial policy implementation research, but also longitudinal research that could ultimately provide data on the impact and effectiveness of alternative school discipline policy over time. As the program moves beyond the initial implementation phase, further analysis will be conducted which tracks students, recidivism rates and academic progress. This could be done both for offending students as well as student volunteers.

58. Skiba et al., supra note 11.
Policy implementation research looking at the Youth Court program over time and reporting on what Amanda Datnow terms the “overall capacity for reform” of the school, and with some generalization, the district and educational system, would also assist the field.\textsuperscript{60} Future research will conceivably provide educators and policymakers with a roadmap for how to operate school-based Youth Court programs over the long-term. Thus, more than just theory about alternative discipline policy in schools would exist.\textsuperscript{61}

In conclusion, the National Center for Fair & Open Testing recently described how zero tolerance and punitive punishment approaches in schools have worked hand-in-hand with standardized testing to systematically exclude students from schools.\textsuperscript{62} They argue that zero tolerance policies and high stakes testing reinforce one another, creating a downward spiral for students. If the goal of schooling is to create equity of opportunity for our children, we are failing miserably. Public schools, under public pressure to be accountable and prove worthy of educating our children, must increase student performance at all costs. Emerging research suggests that schools have utilized discipline policies and other gaming actions to remove those students that are too much trouble and whose behavior—fueled by low academic achievement and lack of academic success—is problematic.\textsuperscript{63}

When students feel disconnetced, they lose interest and often leave school prematurely.\textsuperscript{64} What school-based Youth Courts hope to do is assist in creating a more positive school climate for all students. This begins with students, teachers, and administrators, taking responsibility for anti-social behavior by creating an alternative to traditional discipline, and being empowered by a school community in which they feel they are not just a part but are a valued member. It is the great hope that Youth Courts will keep students in the classroom and potentially open the way for real equity of opportunity in our schools, tightening the spigot of the school to prison pipeline.

\textsuperscript{60} Datnow, supra note 54.
\textsuperscript{61} See D. Kirby Forgays, Three Years of Teen Court Offender Outcomes, 43 ADOLESCENCE (2008).
\textsuperscript{64} Jeremy Finn, Withdrawing from School, 59 REVIEW OF EDUCATIONAL RESEARCH (1989).