



PROGRESSIVE DISCIPLINE

Bullying behavior can take many forms and can vary dramatically in how serious it is and what impact it has on the targeted individual and other students. Accordingly, there is no one response to bullying. Therefore, a flexible disciplinary schema needs to be put in place that is progressive, avoids removing students from the educational environment as much as possible, and treats more than just the behavior.

In the [New Mexico Administrative Code \(NMAC\) 6.12.7](#), “**Progressive Discipline**” is defined as disciplinary action other than suspension or expulsion from school that is designed to correct and address the basic causes of a student's specific misbehavior while retaining the student in class or in school. The actions categorized under progressive discipline may also draw on restorative practices to repair the harm done to relationships and other students from the student's misbehavior, and may include:

- a. Meeting with the student and the student's parents/guardians
- b. Reflective activities, such as requiring the student to write an essay about the student's misbehavior
- c. Counseling
- d. Anger management
- e. Health counseling or intervention
- f. Mental health counseling
- g. Participation in skill-building and resolution activities, such as social-emotional cognitive skills building, resolution circles and restorative conferencing
- h. Community service
- i. In-school detention or suspension, which may take place during lunchtime, after school or during weekends.

Consequences should be designed to:

- a. Appropriately correct the bullying behavior
- b. Prevent another occurrence of bullying or retaliation
- c. Protect the target of the bullying
- d. Be flexible so that, in application, the consequences can be unique to the individual incident and varied in method and severity based on:
 - i. The nature of the incident
 - ii. The developmental age of the student who is bullying
 - iii. Any history of problem behavior from the student who is bullying
 - iv. For cyberbullying incidents, use the least restrictive means necessary to address the interference with the student's ability to participate in or benefit from the services, activities or privileges provided by the school

Why Progressive Discipline? Moving Away from Zero Tolerance Policies

- Although originally intended as a response to serious offenses to ensure safe and healthy schools, in recent years zero tolerance policies have been applied broadly to include minor offenses (e.g., talking back to school personnel, bringing over the counter or prescription drugs on school grounds without a doctor's note, and coming to school out of uniform).¹
- School zero tolerance policies typically do not specify rehabilitative or supportive services to help students change their behavior in positive ways. Research has demonstrated that zero tolerance policies can lead to harmful effects on individuals, lead to higher rates of exclusionary disciplinary action, and are not associated with improved school safety and academics.²
- Ultimately, this disproportionate way of looking at school discipline plays a major role in perpetuating the school-to-prison pipeline. The "[school-to-prison pipeline](#)," or "school pushout," refers to a national trend in which school policies and practices are directly and indirectly pushing students out of school and on a pathway to prison. Zero tolerance policies in schools often funnel students into this pipeline.
- Students of color, students with disabilities, and LGBTQ+ students are overly represented in the school-to-prison pipeline.

Why Conflict Resolution and Peer Mediation are not Appropriate for Addressing Bullying

Conflict resolution and peer mediation are common strategies for resolving issues between students. Because of this, schools may use these methods to address bullying problems. However, such strategies can reinforce bullying dynamics and lead to unintended consequences.

- Bullying is not a conflict; it is a form of victimization. Like those who experience child abuse or domestic violence, children who are bullied are victimized.
- Using mediation to address bullying may send the wrong message to students--for example, "You are both partly right and partly wrong," or "We need to work out this conflict between the two of you." The message to a child who is bullied should be, "No one deserves to be bullied, and we will do everything we can to stop it." The message for children who bully should be, "Your behavior is inappropriate and you must stop it."
- Mediation may be very upsetting to a child who has been bullied. Facing the child who bullied may make the child who was bullied feel worse.
- There is no evidence that conflict resolution or peer mediation stops bullying.

Restorative Practices/Restorative Discipline: One Approach to Progressive Discipline

Restorative practices build community and promote healthy relationships among educators and students in order to teach the social-emotional and conflict-resolution skills necessary to reduce conflict. Restorative practices are one approach under the umbrella of progressive discipline. One guide to implementing this approach is the [School-Wide Restorative Practices: Step by Step](#).

ADDITIONAL RESOURCES ON DISCIPLINE

[Citizens Campaign: School Discipline Best Practices](#)

[TeachHub.com provided by the K-12 Teacher Alliance](#)

[The Little Book of Restorative Discipline for Schools: Teaching Responsibility; Creating Caring Climates. By Lorraine Stutzman Amstutz and Judy H. Mullet, 2015](#)

References

¹ National Education Association (2008). Preventing Future High School Dropouts: An Advocacy and Action Guide for NEA State and Local Affiliates.

² American Psychological Association (2008). Are Zero Tolerance Policies Effective in the Schools? An evidentiary Review and Recommendations. *American Psychologist*, 63, 852-862.