

# From Making "Tools" to Becoming "People"

## -- The Transformation and Experience of American Educational Punishment Governance

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### Abstract

In recent years, it has been known from the network news that American school bullying incidents are frequent, its severity and concealment are gradually increasing, and the main body of bullying is also getting younger and younger. American bullying not only causes severe damage to the physical and mental health of minors but destroys the order of the daily management of the school and also increases the risk of the safety of the campus, on the harmfulness of more significant social issues, such as the United States in most cases, it still takes criticism education some force weaker moral means, the effective governance bullying is not enough. The rule of law is the most effective way to achieve social governance. Every student's campus life is a drill for the future in social life. Their behaviour will eventually affect the public social order. Therefore, American society has put forward a zero-tolerance policy for school bullying. Many public schools in the United States have the characteristics of exclusion, punishment, and decriminalization in managing students' violations and malicious bullying. It not only fails to give full play to the educational nature of punishment effectively but also aggravates severe social problems such as minors dropping out of school, low-school employment, and juvenile delinquency, which increases the educational cost of American society and the cost of colonial governance and management. Under the guidance of the concept of supporting policy, the federal government by eliminating the repellent of early childhood environment discipline, creating a safe and supportive learning environment, promote education in different stages of the field to carry out the resilience measures such as justice, fair and continue to encourage educational discipline, promote the development of children's social emotion and behavior, to guide students to learn and grow in the wrong, American academic punishment has successfully realized the successful transformation of teaching philosophy and education reform, which is worthy of practical reference and complete reference for China's current treatment of school bullying incidents. Better promoting Chinese education can also embark on equitable and healthy future development.

**Keywords:** United States, education, punishment, zero tolerance, management, transformation, experience

School bullying is a global problem, and the prevention and treatment of school bullying are an arduous social and systematic project. This social phenomenon from exposure to the explosive growth in China has been more than ten years, which not only infringes the personal and property rights and interests of the students but also buried a potential hazard to public safety. The complexity and urgency of the relative problem are China's response to weak and ineffective legal governance mechanisms has not yet been apparent. The reason is the lack of a legal system and the disorder, individualization, fragmentation, and value disorder in the period of social transformation. School bullying is the precursor of minor crimes. If the state does not intervene in minors' bad behavior in advance but takes the measure of "fatten up and beat up again", then due to the inaction of the government, the campus will be gradually polluted by social anger, and our next generation cannot have a healthy and positive learning environment. The rise of juvenile delinquency is not only destroying the future of minors but also threatening to drag the whole nation into the abyss.

Educational punishment means that schools or teachers take some relatively negative measures against students who have violated the rules. Its essence and fundamental purpose are to remove the deep inner cover and cultivate the virtue of students in their individual lives. And in the dominance of people, disposal, suppression, and personality shaping of the main characteristics of the situation. The action of educational punishment is

significant and has a far-reaching effect and influence on the development of society and management. Taking disciplinary education in the United States as a practical case, to better manage the severe school safety and discipline problems, American public schools once adopted a "zero-tolerance" school bullying policy with suspension and expulsion as the primary means. They are resulting in the violation of the right to education of the punished students. The unfair punishment procedure, as well as the excessive decriminalization, leads to juvenile abortion in prison and other problems. In educational punishment, the presence of cunning discipline in the retreat area is inevitably accompanied by mandatory oppression, indoctrination, and scolding behavior, thus devoid of the personality and spirit of students. The experience and reflection of the clean governance of education in the United States profoundly impacts the implementation of China's educational punishment policy.

## **1. Overview of Campus Education Punishment Theory**

### *1.1 Definition of Campus Discipline*

The definition of the concept is a necessary prerequisite for the legalization of campus bullying governance. Bullying, also known as bullying and bullying, has similar basic meanings and can be interchangeable. Among them, the word bullying has been passed down from Japan. Bullying is also a Transliteration of the English word bullying. "Bully" implies bullying the small, while "bullying" means violence and insult. The term "bullying" is an abuse of power, which first appeared in the study of bullying in Scandinavia. At that time, the term "Mobbing" was used by bullies, which meant gathering people to harass or gang to bully. In his book, *aggression in the Schools: Bullies and Whipping Boys*, Waists, one of the earliest scholars of school bullying at the time, wrote.

The definition of bullying (1987) is that a particular student is chronically and repeatedly excluded by one or more students in a situation of unequal power. Exclusion behavior refers to one or more students deliberately or attempting to attack a particular student, causing physical injury or psychological discomfort to the victim. Waists presuppose three elements in the formation of the concept of school bullying, namely, "unequal power or interpersonal relationship", "the existence of victimization," and "continuous repetition", which has brought a profound impact on the global definition of school bullying in practice.

Because the right belongs to the state in the United States, so the United States at the federal level no bullying specifically for legislation, but mainly by the states to pass legislation to regulate bullying; 50 states have respective specialized legislation against bullying, the concept of state customs and geographical differences, states have different about the definition of bullying. Notably, some states will resort to a broad definition of Harassment, Intimidation, and bullying alternating, while others have subdivided the distinction between the three.

### *1.2 The Main Body of School Bullying*

In terms of the subject of bullying, the main body of bullying mainly refers to the student and does not include teachers and students; it is true in the unequal status of teachers and students and told cultural tradition in China, the status and authority of the teacher is unquestionable, once the teacher becomes the perpetrator of school bullying, the consequences are very serious, the results are more serious than other forms of school bullying, and the target students are also very harmful. Because in the field of school, teachers are the leading role of students' campus learning and life, teachers' negation and censure, ridicule, and ridicule of students are easy to lead to the dissolution of students' self-worth. Personal dignity is more vulnerable to harm. With the development of society, the weakening of traditional culture, and the enhancement of individual rights consciousness, the trend of teachers becoming victims of bullying is also on the rise. The phenomenon of teachers as bullies or victims of bullying is relatively rare, which can be regulated by appealing and standardizing the disciplinary power of schools. In addition, bullying among students mainly refers to bullying in primary and secondary schools, excluding kindergartens and colleges. Out of kindergarten because, general strength was similar in preschool children, and children at the stage of initial understanding life, almost no subjective vicious, even with bullying peer behavior, the prominent and easy to find, just in time to stop to correct, give the victim's cause of pain is generally tiny, rashly label bully, will hinder the average growth of children, will affect their later interpersonal communication. Therefore, preschool children should focus on moral education. Ruled out because of institutions of higher learning, after entering the university, students are basically into the adult, behavior tends to be rational since networking and learning life not as close as primary and secondary schools, the influence of the inflict is limited. Hence, students tend to be equal on both sides of the power contrast, colleges and universities, bullying mainly occurs between teachers and students; because college teachers have access to social and academic resources, they can easily influence students.

### *1.3 The Scope of School Bullying*

It mainly refers to the bullying incidents on the campus and includes the radiation areas centered on the school, such as the venues for outdoor activities in the school. Is it necessary to specify the scope of campus bullying? Let's say within 200 meters of the campus. This range of operation and unnecessary, whether in schools within a radius of two hundred meters away, according to the cause of the event, process, and participation in the main body, can give the bullying qualitative. If students involve in crime, the first time by the police processing, after school can carry out education guidance work; if it does not violate the law level of bullying and conforms to the elements of bullying relies on the strong bullying the weak if caused the victims of school refusal or with fear because of the spiritual body damage cannot average class, makes the student accept the school education management plans, hinders the regular order of the management school, the school is the primary process of the event. It is not necessary to strictly divide the scope of management because the demand and extent of intervention by the school, police, prosecutors, and neighborhood committees will be affected by whether the incident occurs on campus or how far away it is from the school.

### *1.4 Behavior Characteristics of School Bullying*

Bullying in schools should generally be repetitive and persistent, and if the bullying causes severe physical and mental damage to the victim, then occasional cases are included. Because most of the time, school bullying is a process of from weak to strong, from mild bullying (such as insulting nicknames) to the development of severe bullying (such as a battery), from the bully's subjective state is deliberate, knows what the consequences of their actions will usually be phased in to test each other for their tolerance of bullying, if the other person gets angry and strikes back immediately, the perpetrator tends to give up on the target of the bullying, and if the other person doesn't speak up and suffers in silence, the perpetrator tends to inflict more severe bullying. Under normal circumstances, the behavior of school bullying is extremely harmful and destructive. Although it does not directly constitute the murder of the victim, it brings lifelong psychological trauma and shadow to the bullied student.

## **2. Implementation and Guarantee of Supportive Education Punishment**

To cope with the challenges brought by exclusive punishment and improve the effectiveness of educational punishment, the U.S. Department of Education and the Department of Justice jointly proposed the Guidelines for School Discipline in 2014, which limits the use of disciplinary means such as suspension and expulsion for students who violate discipline. Encouraging educators in states, school districts, and schools to design comprehensive school discipline policies and practices based on active prevention, appropriate punishment, and continuous improvement is necessary. Supportive educational sentence emphasizes the "two-pronged" comprehensive management of prevention and punishment to guide students' self-discipline and improve students' behavior. It not only underscores the punishment for disciplinary behaviors but also attaches more importance to "nip in the bud" and puts an end to students' disciplinary behaviors at the source.

### *2.1 We Will Introduce Supportive Education Punishment Policies*

The Guidelines for School Discipline are action-oriented, data-based, and provide a framework for schools, school districts, and states to effectively plan, implement, and evaluate their school discipline improvement efforts to create safe, positive, and equitable school environments. The core content of the guideline consists of three guiding principles and 13 corresponding action steps. First, create a positive campus atmosphere to prevent students from violating discipline. The concrete steps are as follows: to make a positive campus environment; prioritize evidence-based prevention strategies such as stratified support; promote social and emotional learning; provide regular training and professional development for the school staff; Build partnerships with stakeholders; ensure that school-based law enforcement officers focus their roles on improving school safety and reducing improper judicial referrals. Second, develop clear, appropriate, and consistent behavior expectations, which can help students improve their behavior and increase engagement. Specific action steps are: setting high expectations for students' behavior and taking instructive disciplinary measures; encouraging families, students, and the school staff to discuss, formulate and review the code of conduct and communicate it regularly; ensuring that punishment for misconduct is clear, developed and appropriate; establish appropriate disciplinary measures and due process for all students; use suspension and expulsion as a last resort and provide alternative education. Finally, ensure that the school discipline policy is fair, just, and effectively implemented, and constantly promote the continuous improvement of school discipline. Specific action steps include: training all school educators to implement disciplinary policies in a fair and just manner; Adopting proactive, data-driven, and sustainable procedures for data review and evaluation to prevent, identify, reduce and eliminate discriminatory disciplinary actions.

## 2.2 Establish a Variety of Prevention Mechanisms

### 2.2.1 Develop an Early Warning System

The system uses data strategically to identify students with severe behavioral problems who need additional support and intervention as early as possible. The system provides primary prevention and behavioral support, helps schools prioritize interventions, and supports districts and schools to allocate resources more effectively. As of the 2014-15 school year, about half of the nation's public elementary and secondary schools (52 percent) had early warning systems. Administrative data of the system by putting the student's performance and disciplinary actions (such as attendance, course) into early warning indicators, for state or regional level of the intervention group, generate data report, to help intervention group identification at risk of dropping out of school and have strong support the needs of the students, and far from exclusive retribution for the early intervention measures, bring students on the edge of the red line back on track. To ensure the early warning system for the design, development, implementation, and use has feasibility and sustainability, a state or district established a diversified and representative intervention group; group members can include school district administrators and school leaders, policy, and researchers, data management and technical operations staff, intervention and support personnel, teachers and students of financial decision makers. Most public elementary and secondary schools in the United States use critical indicators such as student attendance (92 percent), course achievement (91 percent), truancy or chronic absenteeism (82 percent), and suspension or expulsion (79 percent) in their early warning systems. Schools can also carefully collect other data appropriate to their educational background and student population.

### 2.2.2 Construct a Multi-level Prevention and Intervention Mechanism

Positive Behavioral Interventions and Supports is a data-driven, multi-level behavior prevention and intervention system. It began to be used in U.S. schools in the 1980s, was included in the Education for Persons with Disabilities Act Amendments in 1997, and is supported by the U.S. Department of Education and the Office of Special Education Programs. In 2013, under the guidance of the University of Oregon, the University of Connecticut, and the University of Missouri, the Center for Positive Behavior Intervention and Support established a task force of 25 technical assistance centers to provide technical support to 70 local and 20 state education agencies to improve school discipline and the environment. So far, the system has been developed and implemented in most states of the United States. School-wide Positive Behavioral Interventions and Supports (SWPBIS) are implementing a Positive Behavioral intervention and support system in the School system. Several studies have shown that SWPBIS can help schools improve the educational environment, prevent problem behaviors and develop positive social skills by providing adequate behavioral support and interventions. Based on the principle of behavior analysis, SWPBIS emphasizes targeted and personalized behavior prevention on a school scale, which is reflected in the application of the tertiary prevention system. The first level of behavior intervention is mainly aimed at the environment; the initial intervention for all students are widely used in classroom teaching. It supports schools to establish positive norms of behavior, express clear expectations of conduct, and create a positive school atmosphere to promote the development of academic and social behaviors of all students as a whole and prevent the generation of student problem behaviors. The second level of behavioral intervention is aimed at the 10% to 15% of students who show mild to moderate signs of problematic behaviors. It usually provides more "intensive and targeted" intervention support to the disciplinary behaviors of challenging students using the group intervention, peer guidance, and team building to prevent them from developing into primary corrective behaviors. The tertiary behavioral intervention provides "intensive" support for the 5% of students who exhibit frequent or severe problem behaviors. Schools need to develop personalized and specialized interventions tailored to the specific needs of these students. SWPBIS is now widely used at all levels of the U.S. education system, with 26,316 schools implementing school-wide positive behavior interventions and support as of August 2017.

### 2.2.3 Create Partnerships for Collaborative Governance

Sustainable partnerships with local mental health, law enforcement, juvenile justice agencies, and other stakeholders can more effectively manage students and maintain a safe campus environment. Most school districts in the United States have successfully established partnerships with relevant departments, forming a collaborative governance system of multiple subjects. For example, The National Council of Juvenile and Family Court Judges, through The School-Justice Partnership program Project) to strengthen collaboration and coordination between schools and mental and behavioral health professionals, law enforcement officials, and juvenile justice officials to help schools plan and respond appropriately to emergencies, facilitate the reintegration of students from juvenile justice institutions, and reduce student decriminalization. In 2018, The

U.S. Department of Justice enacted The STOP School Violence Act, which provides more than \$1 billion in grants to support evidence-based Violence prevention programs in schools across The country, and requires schools to provide professional training, establish threat assessment and behavioral intervention teams, and better coordination between schools and local law enforcement. To formalize partnerships, the U.S. Departments of Education and Justice have jointly issued "Safety Rules" (i.e., safety enforcement in schools through cooperative, understood, and respected rules) to assist states and districts in improving partnerships. The "Safety Rules" make the following recommendations: first, establish a sustainable collaboration with written agreements or memorandums of understanding for the league that clarifies the different roles and responsibilities, implementation processes, scope of work, staffing, and communication channels of the stakeholders; Second, provide appropriate training for school law enforcement officers; Third, regular collection and evaluation of data, student management activities for continuous monitoring. Strong partnerships can improve the effectiveness of educational corrections and reduce student transitions to the criminal justice system.

### *2.3 Adopt Multi-directional Safeguard Measures for Educational Punishment*

#### 2.3.1 Develop a Perfect Student Code of Conduct

The critical component of creating a positive school environment is to have a student conduct department. Based on federal and state laws and regulations, school districts and schools in the United States have established procedural fair and comprehensive student codes of conduct that clearly defines the boundaries, rights, and obligations of school and student behavior within the scope of the law. Codes of conduct need to convey high standards of behavior expectations to students to guide their behavior and develop their self-management abilities; There is also a need to define the consequences of different disciplinary offenses so that students know the boundaries of their behavior and use the disciplinary process itself to help students improve their behavior. The student Code of conduct for public primary and secondary schools in the United States clearly defines the categories and rules of educational punishment, the subject, scope, implementation methods, and procedures of discipline, and stipulates the rights and remedies that students enjoy in all aspects, effectively balancing and coordinating the conflict between school management rights and students' rights and interests. At the same time, the code of conduct designs a multi-level disciplinary system for different levels of disciplinary violations, which is convenient for students to observe and for disciplinary subjects to operate and can also prevent the abuse of educational punishments. In addition, it is also stipulated that the implementation of academic discipline should also refer to the student's age, gender, development differences, cognitive and emotional maturity, the severity and frequency of violations, and other objective factors, and choose appropriate disciplinary measures to achieve the best educational effect. Public primary and secondary schools in the United States encourage parents, students, and relevant personnel to participate in developing and reviewing school discipline policies to ensure the transparency and effectiveness of the code of conduct. The perfect, fair, and comprehensive code of conduct improves the standardization and legality of educational punishment and makes students' behaviors in school have rules to follow.

#### 2.3.2 Provide Regular Training and Professional Development Opportunities to the Corrections Team

One of the most effective strategies to improve and correct the student misconduct. All schools need to interact with students of school-based staff, including teachers, principals, professional support personnel director, school resources, campus police, and the relevant law enforcement officers to provide continuous professional development opportunities and training to make clear the related subject in creating a safe, inclusive and active education environment in different roles and responsibilities. The Substance Abuse and Mental Health Services Administration created Safe Schools/Healthy Students in light of Columbine Schools/Healthy Students, which aims to prevent or reduce youth violence through professional training and capacity building. More than 350 school districts have implemented Safe Schools/Healthy Students programs, and more than 30,000 mental health professionals, teachers, and administrators have received prevention and mental health-related training. Training generally covers classroom management, conflict adjustment and resolution, restorative justice techniques, crisis management, strategies to promote student development, and identifying and providing services to students experiencing trauma and bullying. In addition, the training emphasized how to ensure the fair treatment of all students, such as improving the education of students with disabilities and special needs, increasing cultural awareness and eliminating hidden biases, and protecting students' privacy. Only when the disciplinary team can deal with students' misconduct can it guide students more effectively and construct mutual trust and positive home-school and teacher-student relations.

### **3. Summary**

To sum up, we still need further perfect the "recovery" punishment and school curriculum, class management,

and the combination of school culture through the daily campus life trickle down to cultivate the student's relationship between the orientation and responsibility consciousness, trains the student to "responsible for others' moral character, and give full play to the" recovery "punishment prevention to reduce the students' anomie behavior happened in the future. Focusing on the development and application of a school-based curriculum with interpersonal relations and conflict handling as the core content, highlighting the positive role of "restorative" circle meeting in class construction, establishing a moral education system featuring mutual respect, mutual care, and responsibility for others, and cultivating a campus culture that recognizes each other's value and dignity.

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