

Restorative Justice Practices

The Need: Overcoming Disproportionality and Bias in School Discipline

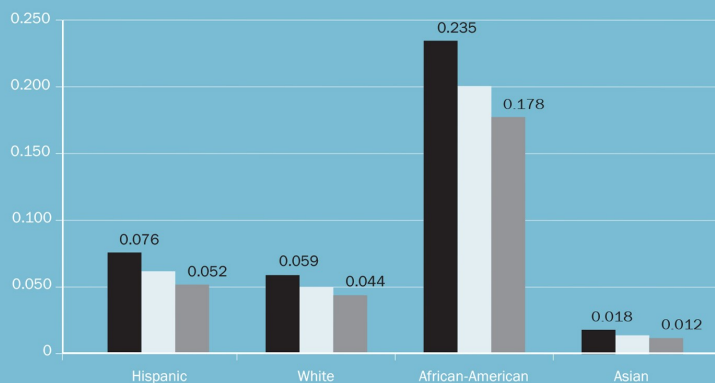
An individual's academic achievement is closely linked to their health outcomes. The higher level of education that a person attains, the more likely they are to live a longer, healthier life.ⁱ But in order for students to succeed at school, they need to be able to attend class regularly. Yet, students of color, specifically African American and Latino males, are being suspended and expelled from school at higher rates than their White counterparts. Research suggests that it is not that these students are more likely to misbehave; instead it is implicit bias of school staff that leads to the disproportionate rates of suspension and expulsion.ⁱⁱ The Kirwin Institute defines implicit bias as “the attitudes or stereotypes that affect our understanding, actions, and decisions in an unconscious manner. Activated involuntarily, without awareness or intentional control.”ⁱⁱⁱ When students are kept out of school they fall behind their peers academically. Furthermore, students that are suspended or expelled are more likely to become disconnected from adults and peers at school and eventually become involved with juvenile justice system.^{iv} Once involved in the juvenile justice system, students are more likely to eventually enter the criminal justice system, thus depriving these students of the opportunity of academic success and healthy lifestyle.^v

Suspension rates in California, by ethnicity (2013 - 2015)

FIGURE
3-2

African-American students continue to be suspended at a higher rate than other ethnic groups.

■ 2013
■ 2014
■ 2015



Source: The 2017 Brown Center Report on American Education.^{vi}

The Solution: From Punitive Discipline to Restorative Justice Practices

The California Education Code changed in 2013 to allow alternatives to suspension in recognition of the ineffectiveness of the traditional punitive school discipline model, as well as the challenges with disproportionality. Following that change, San Mateo-Foster City School District (SMFCSD) adopted one aspect of a restorative justice approach to discipline. This included a structured process in which a person who commits an offense met face-to-face with those he or she had harmed, holding the offender accountable within an empathetic space to repair the harm and attend to the needs of those who were impacted by his or her actions.

Research indicates this process can yield better results than the traditional punitive process, including improved conflict resolution skills, promotion of school safety and increased academic achievement, for both offenders and those harmed.^{vii}

In the fall of 2015, SMFCSD recognized the limitations to only changing their processes once harm has occurred and wanted to consider a broader preventative approach to interrupt the cycle of implicit bias while building a positive school climate. The full implementation of restorative justice practices (RJP) requires proactively building relationships and community through restorative circles, which require students to address issues in a public format with their peers. This tool prevents infractions and interpersonal conflicts. Participating in restorative circles can help to build trusting relationships between students and teachers and heighten teacher sensitivity to the perspective of students. Improving student-teacher relationships increases the likelihood of students who are regularly subject to discipline measures to remain in the classroom thus allowing them to stay up to speed academically with their peers.

“The underlying premise of restorative practices is that people are happier, more cooperative, more productive and more likely to make positive changes when those in positions of authority do things WITH them rather than TO them or FOR them.” Ted Watchel, The International Institute for Restorative Practices

With funding from Get Healthy SMC, SMFCSD was able to implement a more holistic pilot of Restorative Justice Practices (RJP). The RJP project used a training-the-trainers model in order to build RJP capacity in four SMFCSD middle-schools. A selected group of teacher leaders became certified in RJP and provided trainings and technical support to other middle-school teachers, counselors and psychologists and developed school site RJP implementation teams to provide support and accountability. Teachers and school [staff](#) were trained on how to effectively lead restorative justice practices throughout the school.

Suspensions and Restorative Justice in SMFCSD

The strength of implementation of RJP across SMFCSD middle schools has been varied. School sites that have integrated restorative conferencing (Bayside and Bowditch) into the school disciplinary process and have a higher percentage of teachers trained have lower suspension rates than their counterparts.

School	Suspension Rate 15-16	Suspension Rate 16 -17	Systematized Restorative Conferencing process in office	Percentage of Teachers RP trained
Abbott	4.1%	5.3%	No	24%
Bayside	4.4%	3.4%	Yes	38%
Borel	4.1%	5.4%	No	14%
Bowditch	1.8%	1.3%	Yes	44%

Source: San Mateo-Foster City School District

The Essential Ingredient for Success: Key Factors to Support Implementation

- Seed Funding: Get Healthy SMC grant was instrumental in enabling a pilot of stronger RJP efforts and determining sustainability of the program.
- Administrators' Buy-in: The district administration provided support and additional funding for teachers to build their RJP skills.
- Funding Sustainability: RJP efforts were included in the local control accountability plan (LCAP) , which has provided an ongoing source of funds and supported the institutionalization of RJP into the schools.
- Knowledge Sharing: The creation of school site RJP teams was crucial to effectively disseminate RJP with a broader set of teachers, administrators, and other school staff.

"I found that the class that I used the restorative practices in was well behaved, and showed a greater ability for tolerance and compassion. I found that students who regularly participated in circles were more open and civil towards individual differences." (Marie Horwitz, Bowditch Middle School)

Challenge: Shifting School Culture

- Staff turnover is a challenge to maintain momentum of RJP-trained teachers. To address these challenges leaders worked to identify new teacher leaders, who were supportive of seeing RJP successfully implemented.

Challenge: Shifting School Culture, cont'd

- Degree of school administration support.
- RJP teacher Leaders need more flexible time to support other teachers with implementation.
- Difficulty finding times for teachers to participate in a two-day RJP training. There is a shortage of substitute teachers, making trainings on work days difficult.
- Teachers who focus on using RJP as a reactive strategy and do not use it proactively for community and relationship building generally do not find it to be successful.
- Students lack a sense of safety and trust when discussing problems in a public circle format if they are not familiar with the group circle process.

Looking to the Future: Scaling Up!

SMFCSD has continued to see successful implementation of RJP in their middle schools. The district has seen increased interest among teachers to implement RJP and momentum is building countywide. SMFCSD's RJP success prompted Get Healthy SMC to partner with the San Mateo County of Education to offer county-wide RJP trainings for teachers and staff and to develop a strategic plan to expand RJP implementation across the county. School districts are now required to look at student's social emotional learning (SEL) as part of their LCAP and RJP can help support the student and staff connectedness which is important to SEL. For schools that are interested in implementing RJP at their sites, you can learn more at the Get Healthy SMC website: <http://www.gethealthysmc.org/restorative-justice-practices-summit>

Endnotes

- ⁱTelfair, J., & Shelton, T. L. (n.d.). Educational Attainment as a Social Determinant of Health. *North Carolina Medical Journal*, 73(5), 358-365.
- ⁱⁱRudd, T. (2014). *Racial Disproportionality in School Discipline: Implicit Bias Heavily Implicated*. Columbus, Ohio: Kirwin Institute.
- ⁱⁱⁱStaats, C., Capatosto, K., Tenney, L., & Mamo, S. (2017). *State of the Science: Implicit Bias Review*. Columbus, OH: The Ohio State University: Kirwin Institute for the Study of Race and Ethnicity.
- ^{iv}Balfanz, R., byrnes, v., & Fox, J. (2014 Vol. 5: Iss. 2, Article 13). Sent Home and Put Off-Track: The Antecedents, Disproportionalities, and Consequences of Being Suspended in Ninth Grade. *Journal of Applied Research on Children: Informing Policy for Children at Risk*, 5(2), Article 13.
- Gonzalez, T. (2012). Keeping kids in schools: Restorative justice, punitive discipline, and the school to prison pipeline. *Journal of Law and Education*, 41(2), 281–335.
- ^vBalfanz, R., byrnes, v., & Fox, J. (2014 Vol. 5: Iss. 2, Article 13). Sent Home and Put Off-Track: The Antecedents, Disproportionalities, and Consequences of Being Suspended in Ninth Grade. *Journal of Applied Research on Children: Informing Policy for Children at Risk*, 5(2), Article 13.
- Gonzalez, T. (2012). Keeping kids in schools: Restorative justice, punitive discipline, and the school to prison pipeline. *Journal of Law and Education*, 41(2), 281–335.
- ^{vi}Loveless, Tom. (March 2017, Vol. 3 Number 6). *The 2017 Brown Center Report on American Education: How Well Are American Students Learning?* The Brookings Institution. Retrieved from: <https://www.brookings.edu/research/2017-brown-center-report-part-iii-race-and-school-suspensions/>
- ^{vii}Gonzalez, T. (2012). Keeping kids in schools: Restorative justice, punitive discipline, and the school to prison pipeline. *Journal of Law and Education*, 41(2), 281–335.