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Can Restorative Justice Transform School Culture in California? Qualitative Research Shines a Little Light

Mary L. Frampton

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Can Restorative Justice Transform School Culture in California? Qualitative Research Shines a Little Light

Mary L. Frampton[*]

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SUMMARY 98

In the past thirty years California policy makers and educational leaders have executed a 180 degree shift in their thinking about school discipline. In the 1990's, a fear of school shootings, subsequently debunked

predictions by some academics about a coming wave of super predators[1], and federal legislation providing school districts with financial incentives for punitive treatment of students and cooperation with law enforcement agencies[2] drove state legislatures to adopt zero tolerance discipline policies.[3] Such policies required, or at least encouraged, the suspension and expulsion of students for minor infractions and normal childish behavior.[4] Schools reacted by adapting their own internal policies to square with state and federal mandates and funding opportunities and by welcoming police officers to populate their campuses.[5]

After implementing such policies for more than a decade, however, some school districts realized that they were both failing to make their schools safer and having a disproportionately devastating impact on their students of color, particularly their Black and brown boys.[6] Research was demonstrating that when Caucasian students and pupils of color engaged in the same misbehavior, it was often only the children of color who were being suspended and expelled, leading to a "school to prison" pipeline" for

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* Mary Louise Frampton joined UC Davis as the Director of the Aoki Center for Critical Race and Nation Studies in January 2017. She taught in the areas of restorative justice, structural inequality, law and social justice, legislative advocacy, and professional responsibility. She has co-taught courses on critical race theory and participatory action research in low-income communities in the Central Valley. Professor Frampton led the Thelton E. Henderson Center for Social Justice at Berkeley Law for more than a decade. She was a UC Berkeley Chancellor's Public Scholar and an Association of American Law Schools (AALS) National Bellow Fellow

1. WILLIAM J. BENNETT, JOHN J. DILULIO & JOHN P. WALKER, BODY COUNT: MORAL POVERTY…AND HOW TO WIN AMERICA'S WAR AGAINST CRIME AND DRUGS, 13-14 (Simon & Schuster 1996); Elizabeth Becker, *As Ex-Theorist on 'Young Superpredators,' Bush Aide Has Regrets*, N.Y. TIMES (Feb. 9, 2001), https://www.nytimes.com/2001/02/09/us/as-ex-theorist-on-young-superpredators-bush-aide-has-regrets.html [https://perma.cc/KMY2-5CRG]; Aaron Curtis, *Tracing the School to Prison Pipeline from Zero Tolerance Policies to Juvenile Justice Dispositions*, 102 GEORGETOWN L.J. 1253-49 (May 2016).

2. Drug-Free Schools and Communities Act of 1989, Pub. L. No. 101-226, 103 Stat. 1928; Gun Free Schools Act of 1994, 20 U.S.C. § 8921; The U.S. Dept. of Justice: THE OFFICE OF COMMUNITY ORIENTED POLICING SERVICES (COPS OFFICE), *Supporting Safe Schools*, https://cops.usdoj.gov/supportingsafeschools [https://perma.cc/6SKJ-WGGK] (last visited Feb. 5, 2023).

3. Erin M. Hickey, *Zero Tolerance for Policies Depriving Children of Education: A Comment on Zero Tolerance Policies*, 24 CHILD. LEGAL RTS. J. 18, 18-19 (2004); Catherine Winter, *Spare the Rod: Reforming School Discipline*, AM. PUB. MEDIA (Aug. 25, 2016), https://www.apmreports.org/episode/2016/08/25/reforming-school-discipline [https://perma.cc/R3MT-EHZE].

4. *Id. See also* Steve C. Teske & Judge J. Brian Huff, *When Did Making Adults Mad Become A Crime?: The Court's Role in Dismantling the School to Prison Pipeline*, JUV. AND FAM. JUST. TODAY, 14, 15 (Winter 2011).

5. Russell J. Skiba, *The Assumptions and the Facts. Education Policy Briefs*, CTR. FOR EVALUATION AND EDUC. POL'Y, IND. UNIV. (Vol. 2 No. 1 2004).

6. Michael Rocque & Raymond Paternosa, *Understanding the Antecedents of the School-to-Jail Link: The Relationship Between Race and School Discipline*, 101 J. CRIM. L. & CRIMINOLOGY 633, 634-36 (2011).; AM. PSYCH. ASS'N ZERO TOLERANCE TASK FORCE, *Are Zero Tolerance Policies Effective in the Schools? An Evidentiary Review and Recommendations*, 63 AM. PSYCH. 852, 852, 854 (2008).

such pupils.[7] Subjective offenses like disruptive behavior" or "disrespect" ("in the eye of the beholder" misdeeds) were particularly susceptible to this discriminatory application.[8] Moreover, so many students were being pushed out of schools that educational institutions were losing state funding that was tied to numbers of students in school and educational goals were being compromised.[9]

In California a few school districts that were questioning the wisdom of zero tolerance policies began looking for alternative and more positive school discipline approaches.[10] Oakland Unified School District in the Bay Area was one such district. Partnering with The California Endowment, a health foundation that viewed the "school to prison pipeline" as a public health issue, the District initiated a restorative justice pilot project at its Cole Middle School in 2007.[11]

RESTORATIVE JUSTICE AS A PARADIGM SHIFT

Restorative justice requires a fundamental shift in thinking about resolving conflict, correcting misbehavior, and relating to the world. At the core of restorative justice is the concept of ubuntu, a belief that what makes us most fully human is not our individual achievements but our relationships with one another and our communities. Restorative justice philosophy is grounded in the idea that the most effective way to teach young people how to change their behavior is to identify the reasons for their misbehavior, to provide the opportunity for them to take responsibility for the consequences of their actions by repairing the damage (both material and psychological) they have caused, and to support the development of empathy

7. Christina Anderson, *Double Jeopardy: The Modern Dilemma for Juvenile Justice*, 152 U. PA. L. REV. 1181, 1194 (2004); Thalia Gonzalez, *Keeping Kids in School: Restorative Justice, Punitive Discipline, and the School to Prison Pipeline*, 41 J.L. & EDUC. 281, 287, 293-94 (2012).

8. Russell J. Skiba et al., *The Color of Discipline: Sources of Racial and Gender Disproportionality in School Punishment*, 34 URBAN REV. 317, 326, 330, 334 (2002); Russell J. Skiba et al., *African-American Disproportionality in School Discipline: The Divide Between Best Evidence and Legal Remedy*, " 54 N.Y. L. SCH. L. REV. 1071, 1088-1089, 1107 (2009); *See also* THE ADVANCEMENT PROJECT & THE CIV. RIGHTS PROJECT HARV. UNIV., OPPORTUNITIES SUSPENDED: THE DEVASTATING CONSEQUENCES OF ZERO TOLERANCE AND SCHOOL DISCIPLINE (2000).

9. *Id*.

10. E. MORGAN ET AL., THE COUNCIL OF STATE GOV'TS JUST.CTR., THE SCHOOL DISCIPLINE CONSENSUS REPORT: STRATEGIES FROM THE FIELD TO KEEP KIDS IN SCHOOL AND OUT OF THE JUVENILE JUSTICE SYSTEM, 15, 45 (2014); Teresa Watanabe, *L.A. Unified Bans Suspension for Willful Defiance*, L.A. TIMES (May 14, 2013), https://www.latimes.com/local/la-xpm-2013-may-14-la-me-lausd-suspension-20130515-story.html.

11. CAROL SILVERMAN ET AL., SCHOOL-BASED RESTORATIVE JUSTICE AS AN ALTERNATIVE TO ZERO-TOLERANCE POLICIES: LESSONS FROM WEST OAKLAND, THELTON E. HENDERSON CTR. FOR SOC. JUST., U.C. BERKELEY, SCH. OF L., 10 (2010), *available at* https://www.law.berkeley.edu/files/thcsj/10-2010_School-based_Restorative_Justice_As_an_Alternative_to_Zero-Tolerance_Policies.pdf [https://perma.cc/S3Q2-9TNM].

by listening to those they have hurt. It also recognizes that harm may not be unidirectional, that both or all parties may be hurting one another, and that often institutions bear significant responsibility for inflicting damage or failing to fully understand or support young people. The focus of restorative justice is on responsibility, repair, and healing.[12]

Originally adopted by indigenous cultures that value democracy, community and harmony, restorative justice rejects hierarchy, coercion, and control as desirable or effective methods of solving problems or influencing attitudes. The process of "doing justice" in a restorative fashion involves centering the voices of those most affected by the dispute or misbehavior and seeks broad accountability from institutions as well as individuals. Restorative justice approaches are not confined to situations where conflict or misbehavior has already occurred but can also be used successfully to reduce or prevent such problems by building a community of strong and trusting relationships.[13]

When participating in restorative justice as a form of discipline the young person takes responsibility for repairing the harm that they have caused and "makes things right" in consultation with all those impacted. In the restorative model the student plays an active role and has affirmative duties while in the retributive approach the youth's role is more passive. The success of restorative justice is judged by the satisfaction of all its participants, by whether the reasons for the conflict or misbehavior have been understood and resolved, and whether the repair agreements have been kept. Restorative justice cannot be mandated; it must be voluntarily undertaken. Restorative justice also has the potential to be highly effective at transforming the culture of schools by teaching empathy, nurturing relationships, establishing group values and norms, discussing difficult issues, exposing structural impediments to positive behavior, and enhancing understanding of different perspectives and experiences.[14]

RESTORATIVE JUSTICE PILOT PROGRAM AT OAKLAND'S MIDDLE SCHOOL

As I was the professor teaching restorative justice at nearby Berkeley Law School and directing the Thelton Henderson Center for Social Justice, the Center was tasked by The California Endowment with conducting the research evaluating the efficacy of that pilot project. Although I was the principal investigator, Drs. Carol Silverman and Michael Sumner were the social scientist experts leading the research effort.[15]

12. Skiba et al., *supra* note 8.
13. *Id.*
14. SILVERMAN ET AL., *supra* note 11.
15. *Id.*

At the commencement of the pilot project Cole Middle School was one of Oakland's most troubled junior high schools serving predominantly children of color from low income families.[16] The research report evaluating the efficacy of the restorative justice pilot program at Cole found that restorative justice approaches were being successfully integrated into the school's activities to correct behavior like fighting and acting disrespectfully that had previously led to suspensions and expulsions.[17] Restorative justice was also strengthening relationships, enhancing the educational process, and helping both students and adults deal with the violence in the community.[18] After restorative justice was implemented at the school suspensions were reduced by 87% and expulsions were eliminated altogether.[19] Although the research could not definitively prove a causal connection in the scientific sense the figures were astounding.

The report noted, however, that restorative justice is not a panacea, that it requires resources, time, patience, consistency, and the involvement of adults who understand the challenges that society places on students of color from under-resourced communities.[20] Furthermore, as it encourages young people to assume greater responsibility and autonomy it may challenge adults with more authoritarian attitudes and practices.[21] What was alluded to but not stated explicitly in the report was that much of the success of the program was attributable to the vision, brilliance, and restorative character of its leader, Rita Alfred, and the respect which she had earned at the school. When others assumed leadership roles and applied restorative justice principles and practices in a less consistent and therefore more confusing fashion the program was less effective.[22]

However, the success of that pilot project led the Oakland Unified School District to implement restorative justice policies district wide and to change its school discipline policy to focus on restorative justice rather than zero tolerance. This policy change was widely reported and led other school districts to examine their own policies.[23] Although the District invested significant funding in staffing and training, the results of its implementation have been mixed.

16. SILVERMAN ET AL., *supra* note 11, at 9.
17. *Id.* at 16.
18. *Id.* at 16-18
19. *Id.* at 31.
20. *Id.* at 22-23, 27.
21. *Id.* at 3.
22. *Id.* at 26-27.
23. RESULTS FOR AMERICA, *School-based restorative justice: Oakland, CA*, https://catalog.results4america.org/case-studies/rj-in-schools-oakland [https://perma.cc/V88T-U2KQ] (last visited Feb. 20, 2023).

POLICY LEADERS SHIFT TOWARD RESTORATIVE JUSTICE AND OTHER POSITIVE DISCIPLINARY APPROACHES

As some school districts began slowly implementing restorative justice and other positive discipline approaches, statewide leaders were also taking note. In March 2012 Chief Justice of the California Supreme Court, Tani Cantil-Sakauye, used her address to the Joint Session of the California Legislature to say: "You may ask, 'Why is school discipline a justice issue? The answer is obvious – when children are not in school, studies show that they are in risk of entering the justice system."[24] Decrying the "alarming" numbers of suspensions and expulsions in California public schools arising from the state's zero tolerance laws, the Chief Justice alerted the Legislature to this "looming problem" and urged them to "get to work" with solutions.[25]

The California Legislature responded to the Chief Justice's call to action, to the research studies, and to the concerns of its constituents that zero tolerance policies were being applied in a discriminatory fashion. Later that year it amended Education Section 48900 to circumscribe the circumstances under which school districts could suspend and expel students and mandated school administrators to implement measures like restorative justice before expelling a student except in those very rare cases when the presence of the child poses a danger.[26]

The preamble to that amendment laid out its rationale for such changes. It declared: "The public policy of this state is to ensure that school discipline policies and practices support the creation of safe, positive, supportive, and equitable school environments where pupils can learn. "[27] It found that "the overuse of school suspension and expulsion undermines the public policy of this state and does not result in safer school environments or improved pupil behavior. Moreover, such highly punitive, exclusionary practices are associated with lower academic achievement, lower graduation rates, and a worse overall school climate."[28]

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24. Tani G. Cantil-Sakauye, Chief Justice of the Supreme Court of California, Address to a Joint Session of the California Legislature, (Mar. 19, 2012), *prepared transcript available at* https://www.courts.ca.gov/17293.htm [https://perma.cc/9FX7-JH9E].
25. *Id.*
26. CAL. EDUC. CODE § 48900 (2013) (As an increasing number of schools rejected zero tolerance approaches and instituted positive disciplinary practices like restorative justice, studies showed that such approaches reduced school violence, enriched school culture, and improved academic outcomes.). *See generally* Anderson, *supra* note 7 at 337; Wendy Drewery, *Conferencing in Schools: Punishment, Restorative Justice, and the Productive Importance of the Process of Conversation,* J. COMMUNITY APP. SOC. PSYCHOL. 332-344 (2004); ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY, https://icjia.illinois.gov/ [https://perma.cc/U339-Q4TJ] (last visited Feb. 20, 2023).
27. Assem. 1729, 2011-12 Leg., Reg. Sess. (Cal. 2012).
28. *Id.* at §1(b).

It noted that "research has found that nonpunitive classroom discipline and in-school discipline strategies are more effective and efficient than suspension and expulsion for addressing the majority of pupil misconduct"[29] and concluded that "the public policy of this state is to provide effective interventions for pupils who engage in acts of problematic behavior to help them change their behavior and avoid exclusion from school.")[30]

The American Academy of Pediatricians reiterated these points in its policy statement the following year. Noting that expelling students from school is not only "harmful" to the student and the family but to the "community as a whole, both short and long term," it emphasized that the "costs of zero tolerance policies are borne by society as a whole."[31]

The following year the American Psychological Association followed suit and issued a statement that "zero tolerance policies as implemented have failed to achieve the goals of an effective system of school discipline… and have not been shown to improve school climate or school safety."[32] Two years later even the President of the American Federation of Teachers, Randi Weingarten, originally an avid proponent of zero tolerance policies, wrote an editorial in the American Educator admitting that they had been a "failure."[33]

On the federal level educational policy under the Obama administration shifted away from zero tolerance when its disproportionate impact on youngsters of color exposed its fallacy.[34] Declining budgets caused by the Great Recession resulted in less funding for the juvenile justice systems that were punishing the victims of the "school to prison" pipeline and provided another incentive to keep students in school.[35] The imperative

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29. Assem. 1729, *supra* note 27, at §1(b).

30. *Id.* at §1(g).

31. Council on School Health, *Out-of-School Suspension and Expulsion,* 131, PEDIATRICS e1000, e1005 (2013).

32. AM. PSYCH. ASS'N ZERO TOLERANCE TASK FORCE, *Are Zero Tolerance Policies Effective in the Schools? An Evidentiary Review and Recommendations,* 63 AM. PSYCH. 852, 860 (2008).

33. Winter, *supra* note 3.

34. Catherine E. Llhamon, Assistant Sec'y for Civil Rights, U.S. Dep't of Educ., & Jocelyn Samuels, Acting Assistant Att'y Gen., C.R. Div., U.S. Dep't of Just., Joint "Dear Colleague" Letter on the Nondiscriminatory Administration of School Discipline (Jan. 8, 2004), https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201401-title-vi.html [https://perma.cc/MY35-K7WU] [hereinafter Dear Colleague Letter]; *See also* U.S. DEP'T OF EDUC., OFF. FOR C.R., DATA SNAPSHOT: SCHOOL DISCIPLINE (2014), https://ocrdata.ed.gov/assets/downloads/CRDC-School-Discipline-Snapshot.pdf [https://perma.cc/TG6W-PC9Q].

35. *See generally* Matthew J. Parlow, *The Great Recession and its Implications for Community Policing*, 28 GA. STATE UNIV. L. REV. 1191, 1205-7 (2013); *See also* JUST. POL'Y INST., STICKER SHOCK: CALCULATING THE FULL PRICE TAG FOR YOUTH INCARCERATION (2014), https://justicepolicy.org/wp-content/uploads/justicepolicy/documents/executive_summary_-_sticker_shock_final.pdf [https://perma.cc/9FVD-UUGJ]; *See also* Children and Family Justice Center, *The Costliest Choice: Economic Impact of Youth Incarceration,* 3 NORTHWESTERN: PRITZKER SCH. L. (Mar. 2018),

became the reduction of suspensions and expulsions with a focus on alternative behavioral interventions in schools.[36] California became one of the incubators for reform efforts to challenge punitive and exclusionary school discipline and to implement restorative justice and other positive approaches.[37]

DECISIONS TO SUSPEND AND EXPEL CONTINUE TO DISPROPORTIONATELY IMPACT CHILDREN OF COLOR

In the wake of this significant policy change and widespread acknowledgement that zero tolerance policies were ineffective, however, California school discipline data showed mixed and often confusing results. Suspensions were declining, particularly between 2011 and 2015 when the average rate fell from 5.8 to 3.8%.[38] However, Black, Native, and Latinx students were continuing to be suspended and expelled at a disproportionate rate.[39]

One possible explanation for the continuing disproportionate impact of suspensions and expulsions on children of color is highlighted in a recent California appellate case, *Natomas Unified School District v. Sacramento County Board of Education, CO 9347*.[40] In allowing school districts to bypass restorative justice and other positive disciplinary approaches if they conclude that a child is dangerous, the Legislature may have allowed a window for discriminatory attitudes to continue affecting students of color.[41] In that case an 11 year old Latino boy was expelled from junior high school in Natomas School District (a district just north of Sacramento) for bringing a toy gun to school in his backpack.[42] Envisioning a career as a police officer the child was excited about the new toy that his grandmother had given him and was planning to play with it at the park that afternoon. (AR 121)

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https://wwws.law.northwestern.edu/legalclinic/cfjc/documents/communitysafetymarch.pdf [https://perma.cc/P7A9-FQUA].

36. Dear Colleague Letter, *supra* note 34.

37. Dafeng Soto-Vigil Koon et al., *Beyond Suspension Decline: Transforming School Discipline in California*, THE CA ENDOWMENT 10 (2021), https://files.cargocollective.com/c1343609/Beyond-Suspension-Decline-Transforming-School-Discipline-in-California—Full-Report.0322-.pdf [https://perma.cc/ZN9Z-YQEQ].

38. *Id*. at 10, 12.

39. *See generally* Jordan Howell, *Reframing the Problem,* U. OF DELAWARE DAILY (Mar. 11, 2019), https://www.udel.edu/udaily/2019/march/roderick-carey-black-latino-boys-human-development-family-sciences/ [https://perma.cc/GBT6-GLVU]; *See also* Jason A. Okonofua & Jennifer L. Eberhardt, *Two Strikes: Race and the Disciplining of Young Students,* 26 PSYCH. SCI. 617-624 (2015); Stanley Augustin, *Can Implicit Racial Bias Flush Black and Latino Students Down the School-to-Prison Pipeline?*, LAW. COMM. FOR C.R., (Jan. 14, 2016), https://www.lawyerscommittee.org/can-implicit-racial-bias-flush-black-latino-students-school-prison-pipeline/ [https://perma.cc/9SND-CGEQ]; Winter, *supra* note 34.

40. Natomas Unified Sch. Dist. v. Sacramento Cnty. Bd. of Educ., 302 Cal.Rptr.3d 711 (2023).

41. *Id.* at 775.

42. *Id.* at 775-80.

After the school day had concluded and everyone was outside he was showing his toy to some of his friends when a parent noticed and started shouting "gun, gun, gun."[43] The substitute teacher who observed the toy said it did not appear to be a real gun and implied that parents had overreacted. (AR 121, 123, 159, 192, 208)[44] The school resource officer also found that the child posed "no credible threat" so took no immediate action. (AR 124)[45]

According to his teacher, the child was a "joy to have in class" with good grades and almost perfect attendance and was a "positive influence" at the school. (AR 159)[46] Yet based on the reactions of a few parents the district expelled the child as a continuing "danger" despite his record at school and letters of support from his teacher and classmates.[47] When the Sacramento County Board of Education reversed his expulsion as not supported by the evidence that District appealed the decision to court and was initially successful with the Placer County Superior Court.[48] However, the Third District Court of Appeal reversed the lower court's decision after numerous amici, including the Attorney General, filed briefs in support of the County Board's position.[49]

The school district's reliance on the unwarranted fear of two parents rather than the actual facts of the child's behavior to conclude that he posed a "continuing danger" brought to mind the research which shows that that it was often the biased perceptions of adults about students of color that led to the discriminatory impacts of zero tolerance policies in the first place. Research studies have demonstrated that the "implicit bias linking African-American and Latinos with aggression and criminality can lead school administrators to administer harsher punishments to students of color."[50]

More specifically, research has shown that school officials tend "to interpret Latino boys as oppositional and potentially dangerous" and discipline these students regularly while regarding the same behavior from white and Asian students as "less problematic."[51] Latino boys provoked fear in many teachers, especially when the boys were suspected of gang involvement." Many school leaders viewed Latino boys as having the potential for violence and interpreted their actions as "overly aggressive."[52] Other research findings have noted that adults in school settings tend to construct

43. Natomas Unified Sch. Dist., *supra* note 40, at 776.
44. *Id.* at 776-777.
45. *Id.* at 776.
46. *Id.* at 786.
47. *Id.* at 778.
48. *Id.* at 779.
49. *Id.* at 788.
50. Augustin, *supra* note 39.
51. Edward Morris, *"Tuck in that Shirt!" Race, Class, Gender, and Discipline in an Urban School,* 48 SOCIO. PERSP. 25, 29 (2005).
52. *Id.* at 37.

young Latino men as possessing a deviant, dangerous, and improper masculinity that must be constrained and policed.[53]

Professor Roderick Carey's research found that Latino boys are seen as threatening and even those who are not involved in criminal activities "are always tied to criminality.[54] Similar studies show the same discriminatory attitudes toward Black and Native students.[55]

Perhaps the opinion in the *Natomas* case will encourage the California Legislature to further narrow the opportunities for discriminatory application of its school disciplinary policies. Policy makers might also pay closer attention to the recent results of the California Healthy Kids Survey which reveal that while a large percentage of students report an increase in their feelings of safety as zero tolerance policies are being rejected their experiences of caring adult relationships, high expectations, opportunities for meaningful participation, and a sense of connection to their schools are actually worsening.[56]

CAN A QUALITATIVE RESEARCH STUDY PROVIDE ANY CLARITY?

On the one side of the ledger state policy makers have rejected zero tolerance and encouraged the use of restorative justice and other positive disciplinary approaches in schools, suspensions and expulsions have declined, and surveys show that certain indices of positive school culture like feelings of safety are moving in the right direction. On the other hand, suspensions and expulsions are still being applied in a discriminatory fashion and many students report feeling less connected to their schools.

Such data raises the kinds of questions that qualitative research is intended to answer. Are the policy changes resulting in healthier practices? Are more positive and supportive discipline systems impacting school culture, climate, and perceptions of safety? How are teachers and students perceiving and experiencing these changes? Is restorative justice living up to its potential or not? Is it being implemented with fidelity?

With these questions in mind, The California Endowment, which has made significant investments in such policies, commissioned a qualitative research study to explore their effectiveness. From 2016 to 2021 I was the

53. *See* Susan Katz, *Presumed Guilty: How Schools Criminalize Latino Youth,* 24 SOC. JUST. 77 (1997).

54. Howell, *supra* note 39.

55. Mia Jankowicz, *Colorado School Officials Called the Sheriff and Suspended a 12 Year Old Black Boy Afer He Showed a Toy Gun in His Zoom Class*, INSIDER NEWSL. (Sept. 18, 2020), https://www.insider.com/colorado-school-called-sheriff-black-boy-toy-gun-zoom-class-2020-9?utm_source=copy-link&utm_medium=referral&utm_content=topbar [https://perma.cc/34TW-TYQX].

56. CAL. SCH. CLIMATE, HEALTH, AND LEARNING SURV., *School Climate Report Card (High School) – 2022-2023*, 1 (Feb. 2, 2023), https://calschls.org/docs/sample_hs_scrc_2223.pdf [https://perma.cc/J3N9-XPEX] [hereinafter CAL. SCH. SURV.].

Co-Principal Investigator in this cross-disciplinary research team of education academics, educators, and legal academics examining how restorative justice and other positive discipline were actually being implemented in schools and what factors contributed to their success or failure.[57]

The research study sought to explore the ways in which school disciplinary cultures (narratives, norms, and practices) changed in the examined schools, what strategies and conditions supported efforts to move away from punitive or exclusionary school discipline practices and what obstacles remain.[58]

The largest study of its kind, members of our diverse research team embedded themselves in more than thirty small, medium, and large middle and high schools as far north as the Oregon border and as far south as the Mexican border. Schools were selected in urban, rural, and suburban areas, in prosperous and severely under resourced neighborhoods, and in districts serving a diverse group of students including Black and Native students and those in predominantly Latinx neighborhoods.[59]

The research team interviewed 553 administrators, teachers, staff, parents, and students as well as non-profit educational organizations over the course of 191 researcher days, shadowed students who had contact with their school disciplinary systems and those who did not; observed in 291 classrooms; participated in a wide range of school activities; and engaged with adults and young people in detention rooms and restorative justice spaces. Through these interactions the researchers were able to examine and analyze not only the school disciplinary practices themselves but how they interacted with school cultures and learning environments in general.[60]

RESEARCH FINDINGS

Overall, we found that the common narrative of all the school and district leaders interviewed across the state was that zero tolerance policies had not worked and that suspensions were not a useful tool for improving student behavior or learning.[61]

School administrators repeatedly described the "the whole swing from zero tolerance to now, …to do something besides suspending and expelling kids" as a "good move."[62] Many described these changes as "unshackling educators from earlier state policies" that mandated zero tolerance. School leaders cited state policies requiring the collection and reporting of suspension and expulsion data as influencing this change in perspective.[63] Teachers described how positive disciplinary practices improved both student

57. CAL. SCH. SURV., *supra* note 56, at 6.
58. *Id*. at 5.
59. *Id.*
60. *Id.*
61. *Id.*
62. *Id.*
63. *Id.*

behavior in general and enhanced the respect that students exhibited toward them.[64]

The numbers are consistent with the administrative narrative. Although suspension rates in California have levelled off, average suspension rates remained lower and declined further than national rates prior to 2016 when the termination of data collection by the Trump Administration prevented more recent analysis.[65] In some of the schools we studied, particularly in the San Joaquin Valley, the declines in suspensions were quite dramatic.[66]

Despite the reduction in suspensions and expulsions, however, we found that punitive and exclusionary attitudes and practices co-existed with positive and supportive practices like restorative justice and PBIS .

For example, school police remained a steady presence in the majority of schools visited and their involvement was widely viewed as necessary despite evidence of little or even negative interactions. Reports of police escalating violence in schools were more often reported in schools serving Black youth.[67]

In addition, many students were not suspended or expelled but instead continued to be removed to a complex system of continuation schools and other alternative education facilities. In many instances these facilities acted as warehouses where little instruction was taking place. Some actually felt like prisons.[68]

Moreover, there was widespread use of in-school suspension and detention rooms as administrators were required to reduce suspensions but alternative approaches to student misbehavior were experienced as either unavailable or ineffective. While many administrators voiced their intent to use such rooms as restorative spaces and in a few schools this was true, nothing either educative or restorative was occurring in most of these rooms.[69]

Black students, Native students, and Latinx students perceived to be associated with gangs were disproportionately impacted by these punitive and exclusionary policies at the schools studied. Despite the reduction in suspension rates overall, the disproportionate impact on students of color continued.[70]

The nature of this impact took different forms. We found that in schools located in historically disinvested Black neighborhoods it was not primarily punitive and exclusionary disciplinary practices and attitudes but state funding policies and district central offices that exacerbated the

64. CAL. SCH. SURV., *supra* note 56, at 5.
65. *Id.*
66. *Id.*
67. *Id.*
68. *Id.*
69. *Id.*
70. *Id.* at 39.

inequalities and denied students supportive services and stability in administrative and teaching ranks.[71] It was in schools serving smaller Black populations where we observed fairly positive school climates for the majority of students but evidence of disproportionate punishment and exclusion for Black students.[72]

Schools serving large numbers of Native students were under resourced and unable to address years of dispossession and disinvestment. They often exhibited a deficit-oriented characterization of Native students alongside some resentment that such students received better medical care and other services than their poor non-Native counterparts.[73]

For the many schools serving predominantly Latinx students, the stated justification for punitive policies was the perception that many of them belonged to gangs despite evidence to the contrary. There was also little recognition of the role that local prisons had on community attitudes and the fear and trauma experienced by many students as a result of immigration policies and practices.[74]

On the positive side of the ledger, we found that most schools had adopted some form of alternative discipline approach such as restorative justice, restorative practices, PBIS (positive behavioral interventions and supports), or character education. These practices were at different stages of institutionalization.[75]

PBIS AND RESTORATIVE JUSTICE

While schools implementing PBIS were more educative than punitive in their approach, the evidence indicated that the purpose of this disciplinary tool was social control. The adults viewed PBIS as a means of teaching students to be obedient and orderly. Monitoring and surveillance were key components. The implementation of PBIS at Tiers 2 and 3 at some schools seemed unrealistically and needlessly burdensome to both students and teachers.[76]

In contrast, we found that schools implementing restorative justice with fidelity were also more educative than punitive but did so with the purpose of engaging students in a democratic and liberatory enterprise rather than as a means of social control. We found that restorative justice had the potential to humanize students, teachers, and staff; to teach empathy; and to heal ruptured relationships. More advanced restorative justice practices also created a values-consistent alignment between curriculum, pedagogy,

71. CAL. SCH. SURV., *supra* note 56, at 77.
72. *Id.* at 44.
73. *Id.* at 45.
74. *Id.* at 44.
75. *Id.* at 49.
76. *Id.* at 51.

and discipline that encouraged students to understand and transform their world.[77]

Whether restorative justice policies and practices realized their potential depended upon whether they were implemented with an understanding of, and adherence to, their underlying principles and values and the particular focus utilized.

When the restorative justice model included a more race-conscious and systemic analysis of harm and healing, it came closer to realizing its full potential. When restorative justice was implemented as a school wide practice to create a restorative campus climate it was more successful. When restorative justice was implemented solely as an alternative disciplinary tool with the objective of "reforming" students, it had limited efficacy and was often dismissed as punishment "light." When restorative justice was implemented in a non-restorative manner (without the inclusion of all stakeholders in the decision-making, without respect for all stakeholders, without sufficient training and mentorship, without adhering to its foundational principles) it encountered resistance, resentment, and anger.[78]

The choice of strategies for implementing restorative Justice impacted institutionalization and sustainability. We found that several common approaches impeded sustainability. Simply appointing individual restorative justice coordinators to schools could strengthen relationships but had limited capacity to change school culture. District implementation with professional development and technical assistance provided "top down" created adversarial relationships and did not lead to sustainable changes. Single professional development sessions with outside consultants had little impact and were often forgotten; ongoing training and mentorship is critical for the success of restorative justice.[79] Although one of the benefits of restorative justice is its adaptability and flexibility, education leaders said it could benefit from having a set of guiding systems and structures in place similar to PBIS.

ORGANIZATIONAL STRUCTURES

We found that organizational structures have a significant impact on the success of school discipline reform efforts. Increasing staffing, creating collaboration time, and flattening leadership structures were essential to changing every day disciplinary practices. Smaller learning communities within schools enhanced positive school disciplinary reforms. Adding on the responsibility for implementing positive disciplinary initiatives to the duties of teachers and staff without additional support or compensation was a recipe for disaster. Yet parachuting in a restorative justice coordinator

77. CAL. SCH. SURV., *supra* note 56, at 53.
78. *Id.* at 58-59.
79. *Id.* at 61-62.

who was not part of the school community also led to more limited impact.[80]

One of the biggest obstacles to implementation was the structure of the school day which left no time or space for adults to build relationships between themselves or with their students. Large class sizes were also an impediment to successful implementation.[81]

Based on our findings that certain organizational changes supported positive discipline reforms we recommended the following: (1) create leaderships teams that include administrators, lead teachers, and key support staff, (2) dismantle old structures like suspension rooms, shift funding from police to school counsellors, and change the roles of administrative positions designed to impose -punishment to focus on restorative justice expertise, (3) create student-centered and teacher-centered structures like small learning communities and collaboration time.[82]

RELATIONSHIPS AMONG EDUCATORS

Relationships are the vehicles though which structures, policies, and practices come alive in the day to day life of students and teachers. We found that school leaders who respected and valued their teachers and students and worked in partnership with them to implement positive school discipline practices achieved the best results. Administrators who exhibited an authoritarian approach or exhibited a lack of respect for their staff met with vocal resistance even from stakeholders who supported positive discipline. When there were strained relationships between teachers and administrators as a result of a history of multiple and changing mandates and a loss of curricular control positive school discipline policies were often perceived as just the latest assault on teachers.[83]

It is popular to demonize teachers for the shortcomings of school discipline reform. Yet our study found that almost always that blame is misplaced. In the hundreds of classrooms we observed most of the teachers were performing well under exceedingly stressful conditions and supported positive discipline reform efforts when they were well implemented. Instead we found that school district mechanisms, the lack of financial and other support for sustainable and race-conscious restorative justice approaches, and the poor implementation of reform efforts were more often the obstacles.[84]

Schools that fostered adult-student and student-student relationships through student leadership, development, and organizing for all students had strong school cultures. Based on these findings, we made several

80. CAL. SCH. SURV., *supra* note 56, at 66.
81. *Id.*
82. *Id.* at 68.
83. *Id.* at 71.
84. *Id.* at 69.

recommendations for strengthening relationships: (1) flatten hierarchies, (2) foster adult relationships, (3) treat teachers as professionals, 4) develop robust student activities and youth organizing opportunities.[85]

Our findings are consistent with prior research showing that teacher's response to policy is largely determined by the degree of congruence between the policy's demands for change in practice and the teacher's own identity and deep seated beliefs. This is particularly so with disciplinary policies that often involve moral choices and biases.[86] We found that the vast majority of teachers and staff in our studied schools shared the belief in the possibility of education to help their students become successful adults but that some viewed certain students, particularly Black, Latinx students allegedly associated with gangs, and Native students living on reservations as less educable.[87] We found that on occasion PBIS supported these deficit narratives while restorative justice implemented with fidelity challenged them.[88]

We also found that educator preparation programs that emphasized restorative, student-centered, and capacity oriented ideologies had a significant impact on the receptivity of their graduates to restorative justice and other positive school policies and practices.[89]

Administrators and teachers of color and educators who identified with the communities where their students lived generally had more asset-based perspectives on their students but there were notable exceptions.[90]

THE WORLD BEYOND THE SCHOOL

Larger social contexts also impacted the efforts within school to move away from punishment. We found that in most of the schools studied it was difficult for both adults and students to imagine a school with punishment when violence, fear, exclusion, and punitive attitudes dominate our public policy and political and cultural discourse. A majority of students voiced a desire for their teachers to respond more harshly to students causing trouble and only one educator in our study suggested that police do not belong in schools. Pressure from parents and other community members to impose more punitive controls was also a factor. Perhaps the greatest obstacle was the financial constraints on schools which made robust training impossible or gutted successful programs that had originally benefited from non-profit or philanthropic funding. Stark neighborhood segregation limited educational opportunity in many districts. A bright stop was that local community-educator-advocate organizing that exposed unequal funding

85. CAL. SCH. SURV., *supra* note 56, at 72.
86. *Id.* at 73.
87. *Id.*
88. *Id.*
89. *Id.* at 75.
90. *Id.*

and demanded reallocation of resources created more vibrant schools and led to change.[91]

IMPACT OF STATE POLICY

State policy changes encouraging the use of positive school discipline approaches sought to achieve several objectives: 1) shifting responsibility for supervising the misbehavior of young people from the juvenile justice system to the schools at a time of declining funding for law enforcement; 2) eliminating the loss of instructional time for suspended students; and 3) ending the racially disproportionate criminalization and targeting of youth of color, particularly Black, Latino, and Native youngsters.

We found that the first objective was largely met by a significant reduction in out-of-school suspensions and expulsions. That reduction also increased student instructional time although the substitution of in- school suspension rooms in the place of out of school suspensions still limited educational opportunities for many students. Even in the suspension rooms of many large comprehensive schools little instruction was evident and many students were allowed to watch videos, talk, or sleep.

Our findings suggest that the positive school discipline reform effort has been considerably less effective in ending the racially disproportionate impact of disciplinary practices and attitudes on students, especially Black and Native young people. Without changes in federal and state policies, particularly those requiring significant redistribution of financial and human resources to schools serving large numbers of students of color coupled with race-conscious restorative justice approaches that focus both on school-wide culture change and community building and conflict resolution, mandates to reduce suspensions are a necessary first step but only that.

PLAN OF ACTION FOR SCHOOLS ASPIRING TO TRANSFORM SCHOOL CULTURE

In our study we found that restorative justice approaches, when implemented with fidelity, were particularly effective in transforming school culture. While PBIS (Positive Behavioral Interventions and Supports) was the most common positive disciplinary tool in most schools and was successful in encouraging more educative rather than punitive impulses, the research showed that its focus on social control constrained its potential. Because its purpose is to teach and reward good behavior, PBIS can reduce suspensions and produce quieter and more orderly school sites. With its emphasis on influencing student behavior with PBIS "bucks" and other extrinsic rewards it can be effective at encouraging obedience and adherence to rules. Furthermore, as it is a program with explicit guidelines it can be relatively easy to implement. Yet we found that it lacks the capacity – and indeed

91. CAL. SCH. SURV., *supra* note 56, at 75.

even the aspiration – to fundamentally change school culture or the overall educational experience. Our findings were consistent with the California Healthy Kids Survey data which seems to indicate that while PBIS may be affecting students' outward behavior it has not affected many of the others indicators of supportive school cultures and climates.

In contrast to PBIS, we found that in the more limited number of schools that were implementing restorative justice in a meaningful fashion, such an approach had the potential to fundamentally affect the educational lives of students, teachers, and administrators. Because its focus is on intrinsic rewards and on teaching students how to discipline themselves by understanding the impact of their behavior on others, we observed that it could change how students think and feel and not just how they behave. By emphasizing both responsibility and empathy restorative justice approaches led to students and teachers feeling more respected and valued. In centering relationships rather than individual behavior we found that it built more robust and caring school cultures. And because restorative justice is intended to strengthen the capacities of all its participants to analyze, understand, and critique the world around us, it naturally aligns with curriculum and pedagogy.

The fact that restorative justice has more expansive aspirations than PBIS and thus lacks its simple programmatic steps means that its implementation can seem more complicated and daunting to both teachers and administrators. And indeed we found that many schools are struggling to realize the potential of restorative justice approaches. Fortunately there are some helpful guides that provide clear road maps for implementation.

For schools leaders who are striving to transform their school cultures and are interested in restorative justice approaches, we hope that our research can help to provide some valuable lessons. We found that the schools that have implemented restorative justice with the most efficacy and impact followed certain guidelines and engaged in the following practices.

LEAD WITH THE PRINCIPLES AND THE PRACTICES WILL FOLLOW.

Restorative justice requires a paradigm shift in our way of thinking about resolving conflict, changing behavior, and recognizing structural contributors to individual action that focuses on responsibility, repair, and healing. It requires a serious commitment to changing school culture and a rejection of quick and easy solutions. If restorative justice is implemented as just another "program" whose goal is simply to reduce out of school suspensions and expulsions it will be minimally effective at best. We found that administrators and teachers in schools that implemented restorative justice with this narrow purpose often viewed it as "punishment light" or "soft discipline" because they did not have an understanding of its underlying philosophy. If it is implemented correctly, the engaged consequences

young people face with a restorative justice approach can be considerably more uncomfortable, onerous, and emotionally challenging than what they would experience under the traditional model of exclusion.

We found that schools with this misunderstanding about restorative justice were implementing it in conjunction with, or even interchangeably with, PBIS without appreciating the fact that the underlying principles and assumptions of these two approaches are very different. While PBIS can certainly lead to more orderly and quieter campuses and its program of extrinsic rewards for good behavior can be easier to implement, its vision is considerably more limited.

For example, we observed the widespread practice of detention rooms for "in school" suspension in which students were simply housed for lengthy periods without educational benefit. Such rooms were sometimes renamed "restorative rooms" or "thinking rooms" in which students were instructed to think about/write about the impact of their misbehavior on others but were not challenged to engage in any real restorative justice practice to fully understand the causes of their misbehaviors, to take responsibility for their actions, to repair ruptured relationships, and to heal. Students perceived such rooms to be punitive because they excluded them from the classroom or as a farce because there were no consequences for their supposed offenses. When students returned to their classrooms with little behavior change, teachers then concluded that restorative justice was entirely ineffective.

In contrast, in the schools that implemented restorative justice with fidelity, adults trained in restorative justice facilitated restorative conversations or conferences that treated the participants with respect, examined the roots of the problems that precipitated the behaviors or conflicts, discussed solutions for those issues, fostered accountability, and crafted responsibility and repair agreements designed to prevent future problems. hose schools that focused on the principles and values of restorative justice and then modelled their practices on those principles were the most successful.

BUILD A WHOLE SCHOOL RESTORATIVE JUSTICE CULTURE.

If restorative justice approaches are reserved solely for the disciplinary apparatus of a school they have limited effectiveness and are often viewed simply as more educative punishment. We found that in many schools administrators equated restorative justice with criminal justice and so confined their use of restorative justice to harm circles and situations in which punishment would have been exacted in a zero tolerance regime. Such restrictive use ignored the fact that schools are places of learning and that unlike juvenile justice systems students have a continuous relationship with their schools both before and after the restorative justice intervention.

In addition, decades of punitive policies have impacted not just disciplinary practices but entire school environments and cultures. If

classrooms, school yards, and administrative offices were imbued with the notion that control and punishment of children is the most effective method of teaching them how to behave, using restorative justice approaches after the fact seemed inconsistent and confusing to both teachers and students and often led to skepticism and disappointment. Restorative justice approaches to serious misbehavior and major conflict are most successful when they have previously been implemented to heal from trauma, build community, and strengthen relationships.

Indeed, we observed that schools that trained administrators and teachers to see the benefits of using restorative justice approaches in their relationships with one another and then to expand their use to the students exhibited the greatest success. When students saw their teachers and administrators using restorative justice to alter their approaches, resolve their conflicts, and build more trusting relationships, they modelled the behavior of the adults. When restorative justice was viewed just as a method of "fixing children" it had limited success.

In addition, when the relationships between teachers and between administrators and teachers are weak or fractured it has a negative impact on school culture and creates barriers to effective implementation of restorative justice approaches.

Learning occurs when there are sufficient resources to sustain the educational process, when teachers are supported in their classrooms, and when students, teachers, and administrators have strong relationships. Restorative justice can be effective in building a strong school community by fostering a culture of shared beliefs, values, and goals that support the actual practice of teaching and running the school.

Restorative justice requires that the perspectives of students be taken seriously so that they can be full participants in restorative justice practices. Within the restorative justice conference or conversation every voice is treated with dignity. This can be challenging for adults, particularly for those who are accustomed to viewing their students through the lens of trauma, products of poor upbringing, or simply as problems in their school and in the community.

When restorative approaches are used in classrooms to include student voices in the understanding and development of rules, norms, and values, misbehavior and conflict can be significantly reduced and the need to send students out of the classroom minimized. Although such approaches take slightly more time at the beginning of the year they save significant time later on as students more readily abide by rules in which they had a voice in crafting.

Teachers reported that there were multiple benefits to using restorative justice approaches in their classrooms. Because the use of healing and community building circles enabled teachers to know their students' lives outside the classroom they could better understand how to teach and care for

them inside the learning space. As these circles also humanized teachers in the eyes of students the young people showed greater respect for their teachers. As a result some teachers saw not only a reduction in misbehavior and conflict but an improvement in student achievement and higher grades.

Teachers who took the extra step of incorporating restorative justice principles, practices, and values in their critical pedagogy found that it also enriched their teaching and led to greater student enthusiasm and excitement about their capacities for transforming the world.

Some schools also cited the advantages of using restorative justice approaches in conversations with parents about IEPs (Individualized Education Plans) and a range of other issues. By focusing on equity, understanding, and repair these discussions became considerably less contentious and adversarial.

We observed that when healing and community building circles were utilized throughout the campus the improvement in school culture was almost palpable.

IMBUE RESTORATIVE JUSTICE WITH RACE CONSCIOUSNESS.

Our study found that restorative justice approaches were often being implemented in reaction to the harms created by zero tolerance practices but without an understanding of the structural racism and implicit biases that contributed to such harms. This lack of awareness increased the risk that restorative justice approaches would be rife with those same issues if it was not implemented with a racial justice lens. It is important to implement restorative justice in a way that values the experiences of youth of color and understands how systemic racism affects behavior.

Schools in low income communities of color often have teachers who are not of the same racial, ethnic, or class backgrounds as their students and may not appreciate what it means to live in neighborhoods which have historically been marginalized. We observed that this lack of experience can lead to a deficit model of thinking about their students and can make it more difficult for them to actively engage in restorative justice practices with young people. And whereas it may be helpful for the adults to incorporate trauma informed practices in their restorative justice approaches, it is also critical for them to focus on the resilience and assets of their students.

Because restorative justice has the potential to expand our understanding of differing perspectives, to teach empathy, and to heal ruptured relationships it has better tools than zero tolerance to interfere with and change both individual and institutional biases, but those tools must be used intentionally.

We found that when such intentionality was not present restorative justice approaches failed to realize their potential. In many schools with small numbers of Black and Native students our findings demonstrated that they were still disproportionately punished and excluded. We observed

Black students being punished more harshly for dress and behavior infractions; we talked with many students of all colors who attested to such discriminatory treatment. The same phenomenon existed with Latinx young people when they were assumed, seemingly with little evidence, to be gang members. Such supposed affiliation excluded them from the benefits of restorative justice. In schools with greater percentages of students of color these biases exhibited themselves less in exclusionary policies than in decisions about resources.

Educators who were themselves people of color, had grown up in poor neighborhoods or had experiences similar to their students, were generally, although not exclusively, more effective at implementing restorative justice with a racial justice lens. The key factor was an understanding of the significance of race in education, not the skin color of the educator.

EXTENSIVE TRAINING AND MENTORING ARE CRITICAL FIRST STEPS.

Restorative justice is not a quick and easy fix. Decades of punitive policies and practices cannot be reversed with a one day training. Teachers and administrators who had Intensive multi-day training in restorative justice philosophies, values, and practices were better equipped to implement restorative justice with fidelity. Schools that coupled such initial trainings with both follow-up trainings, role playing, and ongoing mentoring for the entire staff of the school were most effective. Restorative justice training for the students themselves was also beneficial.

Administrators and teachers who had been taught restorative justice in their university educational programs or received training from programs connected to universities exhibited greater mastery in restorative justice principles and confidence in their abilities to create school wide restorative cultures. In addition, when the trainings they received were imbued with race consciousness, critical analysis of how institutional structures can impede learning and repair, and an understanding of the experiences of students of color, educators felt more equipped to transform their campuses.

When such training tapped into already existing democratic structures, ways of solving problems, and teaching methods in the school it reduced the resistance to restorative justice. In some schools administrators and teachers were already engaging in restorative justice approaches without naming them as such.

The resources necessary to provide such training and mentoring – and the time away from teaching required to complete it – were identified as one of the most significant impediments to successful implementation. Yet success cannot be achieved without this commitment. How much easier it was to include an hour restorative justice training as part of professional development time, to expect teachers to change decades old practices without ongoing assistance, and then to chide them for their resistance.

THEN INVEST IN SUFFICIENT INFRASTRUCTURE AND PERSONNEL.

There is no set template for implementing restorative justice. The stakeholders in each school should determine what methods best align with their needs and values. In some schools the vice principals were trained in restorative justice and then became restorative mediators. Others used restorative justice coordinators whose training was in social work rather than teaching. As long as the facilitators were well-respected by the school community and had either been educators or understood the challenges of classroom teaching, they could be successful. It was essential that teachers viewed restorative justice facilitators as appreciating the realities of the school environment and the enormous pressures on educators in the classroom.

The key indicators of success were consistency and sufficiency. Schools that had only part-time coordinators or partially trained administrators faced inevitable challenges. When the adult response to misbehavior or conflict was restorative or punitive depending on the day of the week it occurred or whether the restorative justice coordinator was at another school that day it is inevitable that restorative justice was met with disillusionment and mistrust.

Large class sizes, minimal teacher preparation time, a lack of teacher autonomy, a focus on testing, and budget cuts were found to be major impediments to the implementation of restorative justice with fidelity. The creation of small learning communities, regular teacher collaboration opportunities, advisories, and supports for teacher creativity all fostered the potential for restorative justice to transform school culture.

IMPLEMENT IN A RESTORATIVE FASHION.

Schools with the most effective restorative justice approaches had implemented them in a restorative fashion. The voices of all members of the school community were considered in developing the implementation plan and decisions about timing, training, logistics, and objectives were made collaboratively and with care. When support and enthusiasm were encouraged at both the school and district level and felt by teachers and parents alike the implementation was welcomed. We found that this most elementary of principles was often ignored. Instead of introducing restorative justice approaches as "let's all figure out how to implement this in a way that fits the needs of our school" they were presented as "this is what we're going to do" and even "you will be in trouble if you don't do this." Not surprisingly, restorative justice approaches were then often perceived as just another dictate imposed with little notice and in a hierarchical and sometimes punitive fashion. The voluntary nature of restorative justice was ignored and teachers felt coerced into compliance without the necessary support or training.

The effectiveness of restorative justice often depends upon the beliefs of administrators in the capacities of students and teachers. We found that if principals and vice principals had positive attitudes about the capacities of young people that restorative justice was more effectively implemented. In contrast, when administrators had deficit models of the children in their schools it was more difficult for them to implement restorative justice with fidelity. But this was not sufficient. Administrators also need to respect and value the capacities of their teachers and other staff. We found that when administrators lacked respect and appreciation for their teachers then -not surprisingly – teachers balked at any implementation of restorative justice as an attempt to restrict their autonomy. As district administrators evaluate which schools should pilot restorative justice approaches they should pay close attention to how principals and vice principals both talk about, and act toward, all their stakeholders.

Restorative justice is also most effective when it is implemented in schools with stability. Culture change takes time and commitment; it cannot adhere when there is a high turnover in principals, vice principals, and teachers.

We also found that messaging was critical. Districts and schools should inaugurate restorative justice as a new way of building relationships and strengthening the bonds between students, teachers, school staff, and parents. The principles and practices of restorative justice should be explained in clear and concrete terms. Administrators should discuss why restorative justice is a better way of transforming school culture and teaching young people to reflect on the consequences of their actions and take responsibility for their behavior.

BE PATIENT.

Restorative justice requires a paradigm shift in both thinking and doing. For most people it requires extensive practice and learning from many mistakes. The expectation that results will be obvious in a few years is unrealistic. Culture change is slow and erratic. We found that when districts, administrators, or funders expected quick results that did not materialize their disappointment had harmful consequences.

SUMMARY

Restorative justice has the potential to transform school cultures in tangible ways. When our research team walked onto the campuses of schools that had implemented restorative justice true to its spirit we could literally see and feel the difference in the atmosphere: how both adults and students behaved, in their relationships with one another, and in the educational enterprise. Yet we found that all too often schools – through lack of knowledge, commitment, training, resources, or leadership, or because of institutional constraints, were implementing restorative justice in ways that

were minimally effective and occasionally even counter productive. Moreover, even when used with fidelity but without race consciousness its impact was more limited. Hopefully the research discussed here and other qualitative studies in the future can assist educators and policy makers in realizing the full potential of restorative justice.

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