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California Restorative Justice in Education: Stakeholders Finding Common Ground in Concepts and Practices

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Abstract

Restorative Justice in Education (RJE) is a positive alternative to zero tolerance disciplinary policies that can help reduce school suspensions and dropouts, reduce revenue losses, and improve the lives of youth and communities. This article describes work to define core practices in Restorative Justice in Education (RJE) efforts in California to enable practitioners to employ standardized concepts and develop programs whose outcomes can be evaluated. One hundred and seventy-four practitioners and stakeholders attended regional meetings to discuss and prioritize promising practices. These discussions were then analyzed, and the concepts were categorized into core and supportive practices in order to develop agreed-upon working definitions. Codification of concepts enables RJE practitioners and stakeholders to develop standardized practices and further RJE's role in advancing equity in schools.

Keywords

restorative justice in education; alternatives to zero tolerance policies; suspensions, dropouts; disproportionality; school to career pipeline

Introduction

Restorative Justice (RJ) addresses conflict prevention and resolution through the lens of relationships, where harmer and harmed come together to repair and reestablish their relationship through a healing process. It originated in indigenous cultures, such as the Maori peoples of New Zealand, who are frequently cited as practitioners in contemporary times. (Jantzi, 2001; Schmid, 2001; MacRae & Zehr, 2011; McElrea, F.W.M., 2012.) Initially employed to address issues of justice and community well-being, it is now often employed in criminal justice systems for both

youth and adults. Recently, it has been introduced in schools as a counter-approach to zero-tolerance policies.

RJE provides a holistic approach to zero-tolerance school disciplinary policies and their consequences of suspensions and expulsions. Defining core concepts and supportive practices for RJE enables practitioners to work toward common goals and implement programs whose outcomes can be evaluated.

Zero-tolerance school disciplinary policies have not been effective in addressing school disciplinary issues. (American Psychological Association, 2006; Weisberg, Wang, & Walberg, 2004; American Academy of Pediatrics, 2003) They have, instead, resulted in increased suspensions and expulsions, and have increased school dropout rates, which disproportionately affect youth of color, the disabled, and LGBT students. Dropouts lead to lower expectations, less achievement, and increased contact with juvenile detention facilities, which, in turn, can ultimately lead to incarceration. (Browne-Dianis, 2011; Rumberger, 2011; Rumberger, & Losen, 2017; Heitzeg, 2009)

In the US, a reexamination of the juvenile justice system and school disciplinary policies has focused on attempts to identify approaches to conflict resolution that are more equitable and lead to better long-term outcomes. Concomitantly, social determinants of health research demonstrates that health inequities and lifetime economic achievement are both tied to school achievement. (Heiman, & Artiga, 2015; Qu, S., Chattopadhyay, S.K., & Hahn, R.A., 2016.) Several alternatives to zero-tolerance disciplinary policies have developed in recent years. These include Social Emotional Learning (SEL), Positive Behavioral Interventions and Supports (PBIS), Collaborative Problem Solving (CPS), and RJE. RJE employs a multilayered approach that provides guidance and support to prevent and resolve conflicts and disputes, while building positive relationships in schools. RJE ensures accountability for all members, and some consider it a more holistic approach than the alternatives. (Gonzalez, 2012; Evans, K., Vaanderling, D., 2016.)

Recognizing the growing body of evidence against zero-tolerance policies, some of California's largest school districts, including Los Angeles, Oakland, and San Francisco (Los Angeles Unified School District, 2018; Oakland Unified School District, 2017; San Francisco Unified School District, Board of Education, 2014) have taken steps to reduce suspensions by abolishing "willful defiance" (Cal Ed Code 48900(k)) as a basis for suspending students, and have established RJE as a process to both prevent and respond to harmful conduct while avoiding suspensions. Abolishing subjective standards to reduce suspensions is necessary but not sufficient. In addition, schools must provide just and equitable learning environments by training teachers, administrators, and the school community in the ways of preventing and responding to harm-causing conduct.

Health researchers have documented factors beyond health care that are necessary to have a healthy population, known as the social determinants of health. These include economic stability, neighborhoods and physical environments, and education. (Heiman, & Artiga, 2015; Reynolds, *et al.*, 2008; Qu, Chattopadhyay, & Hahn, 2016; Lewallen, T.C., Hunt, H., Potts-Datema, W., Zara, S., & Giles, W., 2015; Shankar, J., Ip, E., Khalema, E., Couture, J., Tan, S., Zulla, R., & T. Lam, G., 2013.) Educational attainment affects an individual's ability to maximize opportunities in a number of critical categories and to achieve a healthy life for oneself and one's family. Additionally, researchers cite the benefits of reducing inequities in our nation (Reich, 2014; Yin, 2017) and the stabilizing economic force of equality. (Ireland, 2016; Reich, 2015; Steiglitz, 2013) These factors provide additional emphasis on equity in education.

School Suspensions: rates, costs, disproportionality

School suspensions have multiple effects on youth and society. These include reducing grade retention (keeping students on grade-level track) (Marchbank, *et al.*, 2015); reducing success in school and careers; (Pufall Jones, *et al.*, 2018) lowering civic engagement, including participation in voting and volunteering (Kupchik & Catlaw, 2014); and high economic costs to communities and states. (Rumberger, 2017). Overall, California suspension rates have declined by 42% from the 2011-12 to 2016-17 school years. Current suspension rates by race/ethnicity are: African American, 9.8%; American Indian/Alaskan Native, 7.4%; Asian, 1.1%; Filipino, 1.4; Latino, 3.7%; Pacific Islander, 5.0; and White, 3.2%. (CDE, 2017). As school suspensions and expulsions decline, youth of color still make up a larger proportion of these disciplinary actions than their proportion in the population.

Rumberger and Losen, (2016) note that Suspensions alone are responsible for a six and half percent reduction in graduation rates. They calculate that, in California, a one percent suspension rate for a cohort of 10th graders over three years costs the State \$180 million. Extrapolating from this cohort data, they projected the statewide economic burden for the dropout group over their lifetimes to be \$2.7 billion:

- \$809 million direct costs (criminal justice, reduced revenue generated); and
- \$1.9 billion social costs (reduced economic productivity, increased health care expenditures).

In addition, each non-graduate sustains average economic losses of \$579,820 over their lifetime. (Rumberger, & Losen, 2017)

The relative youth of RJE, the lack of reliable measurement tools, and the multilevel nature of restorative justice practices themselves mean the field is still in the process of defining core concepts and practices and linking their implementation to specific outcomes. In this article, we document and categorize practitioner and stakeholder views on RJE core concepts and practices in California as a step toward improving communication, implementation, and evaluation.

Practitioners and Stakeholders

Restorative Schools Vision Project (RSVP), a California RJE non-profit organization, was funded by The California Endowment Grant Number 20142280 to compile RJE best practices. (Levy, *et al.*, 2017) They convened a two-day Guidance Group (GG) of recognized RJE experts from across the State. The GG members and educational partners, in turn, invited practitioners and stakeholders from three geographic regions of the state: Southern, Central Valley, and Northern California. Attendees included RJE practitioners, educators, youth, community advocates, indigenous elders, and activists. Discussions continued at three subsequent one-day meetings across the state attended by self-selected practitioner and stakeholder invitees.

A total of 174 attendees contributed to the study. The Guidance Group (GG) consisted of 14 RJ practitioners and 16 other stakeholders. (Practitioners are individuals working on RJE in school settings in California. Stakeholders includes policymakers [statewide and local]; students; teachers; school administrators; parents; community members; teachers union members; and other concerned individuals.) Attendees at the one-day regional meetings included 21 RJE practitioners and 123 other stakeholders. Fifty-one of the regional convening attendees completed an anonymous survey that collected perspectives on RJE promising practices, and 36 completed an anonymous evaluation that collected data on important areas of RJE.

Attendees' perspectives were analyzed to create a taxonomy of key RJE concepts and practices. Responses from attendees' discussions and survey data were categorized by content and clustered thematically into subcategories. After categorization, a review team, including experienced RJE practitioners, lawyers, a mediator, researchers, equity experts, and educators, distilled and analyzed the data further. The data were organized into RJE Core Principles and RJE Supportive Practices. In a separate article, implementation strategies, facilitating factors and barriers to RJE implementation will be discussed.

In organizing concepts, we strove to cluster similar concepts together while also reporting in the words employed by stakeholders. When words and concepts deviated from the cluster group such that there was concern about losing meaning by omitting the term, the terms were included within the cluster and reported as a separate line-item in the table. The sources of the data and the frequency of the comments were also documented. Discussion with the review team further fleshed out the concepts, providing additional depth, and underscoring the importance of specific categories. Redundancy and overlap within and across categories were assessed and simplified to streamline the presentation.

The RJE core concepts and supportive practices developed by the attendees are presented below. Practitioner and stakeholder definitions of essential components of RJE were wide-ranging, with substantial variations in terminology. This diversity makes apparent the need for common terminology so practitioners can "speak the same RJE language."

The specifics of the Core Principles and Supportive Practices are outlined in Table 1. Core RJE concepts and practices include Indigenous Wisdom and Balanced Relationships, Community Inclusiveness and Sensitivity, and Circle Processes.

Core RJE Principles

Meeting attendees considered these items as fundamental to RJE.

Indigenous Wisdom and Balanced Relationships

These concepts include those of bringing the harmed and harmer together to restore balance to the community in a just way. Indigenous wisdom refers to tribal and cultural traditions that deeply value respect, courage, compassion, justice, and balanced relationships among people and in the natural world. Righting wrongs and restoring equilibrium is a foundation of RJE that runs counter to an authoritarian model of top-down school discipline. The indigenous healing tradition of respecting each human being provides the foundational framework in which RJE practices occur. (Zehr, 2015; Oakland Unified School District, 2015; McElrea, 2012) Employing nature and art to establish these balances is also a long-held tradition among indigenous peoples and was reflected in participant responses. (Hopkins, B. 2003; Dewald, 2015; Louv, 2008) Components of the Indigenous Wisdom and Balanced Relationships category were cited by the Guidance Group, two geographic convenings, and in the survey.

Community Inclusiveness and Cultural Sensitivity

Participants reported that all aspects of the community are important to prevent disruption and to define and regain balance once it has been disrupted. Community was clearly defined to include students, teachers, parents, administrators and other members who may be helpful and supportive in regaining a functioning, peaceful equilibrium. In the convening discussions, cultural appropriateness or sensitivity was considered essential to understand not only the specific traditions and rituals of communities, but also that underserved communities face stressors that range from structural racism to cultural oppression to micro-aggressions (i.e., verbal, behavioral, or environmental comments or situations that are, or may be, perceived as hostile). (Nigatu, 2013)

When cultural strengths and wisdom are integrated into educational experiences, they can help ensure that students succeed in school and are healthy, functioning community members. (Alsubaie, 2015) Some stakeholders used the term cultural appropriateness; however, we prefer the term cultural sensitivity, which asks all to be humble and to continually learn as we work with different cultures, both new and familiar. This requires ensuring that dominant cultural mores do not interfere with an individual's or community's ability to succeed in school.

Since student behaviors are usually the primary focus of RJE, students must be considered essential actors in the process. Providing students with roles in school governance and decision-making bodies allows them to become vital, positive, and contributing members of the school community. Including and valuing students, doing things with them instead of to or for them, can create high levels of motivation and accountability within the school environment. Components of the Community Inclusiveness and Cultural Sensitivity category were cited in three of the geographic convenings, in the survey, and in the evaluations.

Circle Practice

Circle Practice is a fundamental process for operationalizing the first two core concepts: indigenous wisdom and balanced relationships, and community inclusiveness and cultural sensitivity.

Practitioners and stakeholders identified circles more frequently than any other practice as a central tenet of RJ; these references included both the processes employed in circle practice and the short-term goals of the practice. Circle practice represents a non-hierarchical approach to building healing practices that establish or revive a balance among the participants. For example, in a classroom circle, a student who bullies another student is asked to explore his motivations and to repair the harm. The harmed student states what is required to heal the harm.

Circle practice is an interactive approach designed to respect indigenous cultural traditions and wisdom, recognize individuals, encourage their participation, and share ideas and goals in a fair and non-judgmental setting. Circles are used to create an emotionally safe place where trust can be established and conflicts prevented or resolved. A wide range of stakeholder responses cited practices that support students' learning to inquire, reflect upon disagreements, be transparent, and resolve conflicts in a constructive manner. Components of the Circle Practice category were cited in the Guidance Group, all three of the geographic convenings, and in the promising practices survey.

Table 1. Core Concepts and Practices for Restorative Justice in Education

Responses from Stakeholders:

Guidance Group (GG) (n=30), Regional Convenings (n=144), Surveys (n=51), Evaluation (n=36)

Stakeholder Responses	Number of Convenings where Concept was Cited	Cited in Promising Practices Survey	Cited in Evaluations
Indigenous Wisdom and Balance	d Relationships		
Harmed and harmer come together to restore balance in relationships.	2 convenings	Yes	Yes
Shared responsibility; invitation to take responsibility.	2 convenings	No	No
Build interpersonal and community relationships as a preventive and repairing-harm approach.	1 convening	Yes	No
Accountable, fluid.	1 convening	No	No
Use creative approaches (nature and art) to create balance and to encourage creativity.	Guidance Group	No	No
Community Inclusiveness and Cu Community)	lltural Sensitivity (You	uth, Parents, School, a	nd
Community inclusiveness (students, parents, school, community). Student voice is critical.	3 convenings	Yes	Yes
Cultural appropriateness and inclusiveness: respect for community, its history, and norms.	2 convenings	Yes	Yes
School community stakeholders critical in identifying solutions.	3 convenings	No	No
Student facilitated circles, leadership development.	3 convenings	Yes	Yes
Understand underlying reasons for behavior related to culture and community.	3 convenings, Guidance Group	No	No

Responses from Stakeholders: Guidance Group (GG) (n=30), Regional Convenings (n=144), Surveys (n=51), Evaluation (n=36)					
Stakeholder Responses	Number of Convenings where Concept was Cited	Cited in Promising Practices Survey	Cited in Evaluations		
Cultural sensitivity and inclusiveness: respect for community, its history, and norms.	2 convenings	Yes	Yes		
Circle Practices					
Transform power relationships, reduce hierarchy; Transparent interactions and fairness.	3 convenings, Guidance Group	No	No		
Continual inquiry, curiosity, humility, learning.	2 convenings	No	No		
Ask respectful, curious questions, honor privacy; speak and listen with respect.	1 convening	Yes	No		
Be willing to be uncomfortable, be willing to grow; increase self- reflection.	1 convening	No	No		
Employ affective statements (Avoid blaming statements).	2 convenings	No	No		
Collaborate, build consensus.	2 convenings	No	No		
Reduce stigma, increase healing.	1 convening	No	No		

Supportive Practices for RJE

Supportive Practices include Social Emotional Learning (SEL), Narrative Inquiry, and Trauma-Sensitive Approaches. The category includes concepts that some RJE practitioners consider very important, but not all practitioners utilize them. Each of these concepts or practices exists separately as its own field of study or can be attached to other interventions. When employed with RJE, they can strengthen the experience and support the Core Concepts.

Social and Emotional Learning (SEL)

Stakeholders' responses in this category focused on the self-awareness and selfmanagement approaches that facilitate social interactions and the reframing of options. SEL teaches students the skills and understanding involved in learning self- and social-awareness; selfand relationship-management; and responsible decision-making (Zins, Bloodworth, Weisberg, &

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Walberg, 2004). Specific competencies include self-awareness, self-management, confidence, social awareness, relationship skills, and responsible decision-making. (Domitrovich, Durlak, Staley, & Weissberg, (2017) As students learn these skills, they are able to recognize their own and others' emotions and develop empathetic approaches for dealing with each. Similarly, students learn to control their impulses and negotiate social situations in ways that support positive relationships and problem solving. One portion of self- and social-awareness is mindfulness, the practice of stilling one's mind so that an individual can return to a state of equilibrium and think prior to speaking or acting. A key aspect of decision-making is to define the issue, reflect upon alternative views of it, and focus on solutions that meet the needs of those involved. These approaches help students think ahead and come to class focused and ready to learn. Components of the Social and Emotional Learning (SEL) category were cited by the Guidance Group, all three geographic convenings, and in the promising practices survey.

Narrative Inquiry Practice

Narrative inquiry employs students' stories as a basis for exploring issues relevant to them. Narrative inquiry is based on the premise that we come to understand and give meaning to our lives through stories. These stories are not just a mirror of life but actually shape our lives. (D. Nylund, personal communication, September 13, 2018; Clandinin, D., 2007) Instead of a dialectic of teacher-centered approach versus one that is student-centered, narrative processes are centered on strengthening relationships—a major principle of restorative justice. (Cohen, 2018) In narrative inquiry, probing for root causes occurs so that the definition of the issue or problem becomes the 'real' issue, not a mere symptom of a deeper issue. Narrative inquiry focuses on issues or problems, not on blaming or shaming individuals or groups involved. This is exemplified by its guiding insight: "The problem is the problem. The person is not the problem." Students and teachers benefit from this process because it names the problem for what it is (e.g., "disruption," "gossiping," "misunderstanding") rather than casting blame on any individual. Components of the Narrative Inquiry category were cited across the Guidance Group, all three geographic convenings, in the survey, and in the evaluation.

Trauma-sensitive Approaches

Trauma-sensitive approaches consider how imbalance in power relationships have been used against community members, individually or in groups. They focus on the effects of trauma on psychological and physical development and seek to ameliorate trauma and build procedures and policies that foster safety and recovery in school and community settings. (Walkley, M., & Cox, 2013) Acute and chronic stress (whether from violence, child neglect, or toxic stresses in the community) are addressed in order to enable children and youth to flourish. One must consider, for example, that zero tolerance policies may re-traumatize students who have already experienced trauma at home, in schools, or in the community. (Ridgard, Laracy, DuPaul, Shapiro, & Power, 2015.)

Sensitive community-engaged practitioners build upon communities' traditions rather than replacing or destroying core values or practices. These sensitivities also include understanding past infractions imposed on communities and cultures. These stresses can range widely, from seemingly small actions, such as not looking someone of a different race or ethnicity in the eye, to larger structural oppressions, such as authoritarian school disciplinary policies. Components of the Trauma-Sensitive Approaches category were cited across the Guidance Group, all three geographic convenings and in the promising practices survey.

Table 2. Supportive Practices for Restorative Justice in Education

Responses from Stakeholders: Guidance Group (GG) (n=30), Regional Convenings (n=144), Surveys (n=51), Evaluation (n=36)					
Stakeholder Responses	Number of Convenings where Concept was Cited	Cited in Promising Practices Survey	Cited in Evaluations		
Social Emotional Learning (SEL)					
Self-awareness; self-management, social awareness, relationship skills, responsible decision-making.	3 convenings	Yes	No		
Reframe options with focus on learning.	3 convenings, Guidance Group	Yes	No		
Modeling healthy adult relationships.	1 convening	No	No		
Non-judgmental awareness.	Guidance Group	Yes	No		
Narrative Inquiry					
Understand stories.	3 convenings	Yes	Yes		
Help people see alternative stories; understand that people are multistoried.	3 convenings	Yes	Yes		
Language shapes reality.	3 convenings, GG	No	No		
Probe to get to underlying (root) causes.	3 convenings, GG	No	No		
Focus on issues, not person.	1 convening	No	No		
Trauma-Sensitive Approaches					
Understand community stressors, micro aggressions, cultural oppression, and trauma-informed approaches.	3 convenings	Yes	No		
Understand implicit bias and its consequences.	2 convenings	Yes	No		

Note on Core Principles and Supportive Practices

It is important to emphasize that in practice, core and supportive concepts and practices are blended and merged in ways that address actual on-the-ground situations. RJ educational practice is always responsive to individual circumstances and eschews an approach that simply employs a check-off list. Successfully tailoring approaches to the circumstances at hand requires creativity and attention to detail, while also respecting the principles being implemented. As in other fields, such as public health or psychology, the principles are blended to create a customized response or intervention that responds to specific needs in a timely and sensitive manner.

Discussion

The disproportionate numbers of racial and ethnic minorities in America's incarcerated population led to a re-examination of the school disciplinary policies that, by suspending or expelling students, lead to school dropout. The consequences of school dropout include reduced educational achievement, lower learning prospects, and other societal costs. (Alliance for Excellent Education, 2018; Belfield, 2014; Levin & Rouse, 2012; National Dropout Prevention Center, 2004) Education is key to attaining health, economic, and community stability, which is why social and economic justice leaders focus on establishing equitable approaches to keeping students in school and engaged.

A few evaluations of RJE are currently in process. Acosta, *et al.* (2016) describe an RJE randomized cluster design evaluation being conducted in Maine communities. The Atlantic Philanthropies is funding a 15-school evaluation of RJE in conjunction with another program, Diplomas Now. (Wachtel, 2014; Passarela, 2017) The Department of Justice is funding a 22-school implementation in Pittsburgh, with evaluation conducted by RAND. (Wachtel, 2015) While some RJE outcomes have been documented, such as reductions in suspensions and expulsions, and encouragement of academic pursuits, in general, research is lagging behind implementation. Rigorous research tying these processes and outcomes together is needed. (Song & Swearer, 2016; Gonzalez, 2014; Fronius, Persson, Guckenburg, Hurley, & Petrosino, 2016.)

When emerging fields expand to new contexts, such as restorative justice into educational settings, it is critical to assess concepts and practices to assure that practitioners employ the same framework to seek standardized outcomes. (Jones, Bailey, Brush, Kahn, 2018) Several practitioners present helpful frameworks and guidance. (Oakland Unified School District, 2017; Berkowitz, 2012; Wachtel, 2016) However, practitioner-agreed upon concepts are lacking, and detailed descriptions of concepts, practices and implementation guidelines for RJE have not yet appeared. Additionally, there is no current research assessing RJE practitioner and stakeholder understanding of these concepts and how they are employed in practice. (Song & Swearer, 2016; Russell & Crocker, 2016). If the RJE framework is not understood by the school's teachers and personnel, the practices will not be successfully instituted. (Russell & Crocker, 2016) Additionally, without common concepts, practices, and fidelity in implementation, RJE outcomes cannot be rigorously measured and evaluated. (Persson, Guckenburg, Hurley & Petrosino, 2016; Tauri, 2000; Acosta, *et al.*, 2016) In this study, we attempt to advance the discussion of core RJE practices so that a consensus decision can be reached.

As noted, in California, suspension rates for school years 2006-07 and 2012-13 showed an overall decrease of almost half, but the proportion of suspensions for youth of color increased when compared with those for white students. (Gonzalez, 2014). The African American rate changed from three times more prevalent than the white rate to five times more prevalent. Over this six-year period, the Latino rate also decreased, but it is still 2.5 times that for white students. (Gonzalez, 2014)

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Current literature notes that, while disproportionality was not eliminated in the cited studies, gains were made in reducing disciplinary actions for students of color. (Gregory, Clawson, Davis, & Gerewitz, 2015; Simpson, 2014; Gonzalez, 2014) Recent research that attempts to understand the disproportional suspension rates indicates that the decision-making process is complex and needs to be thoroughly understood by all levels of participants. (Sparks, 2018) Recommendations such as ongoing coaching or monitoring sessions should be explored to help assure that school and community participants understand and effectively implement RJE practices.

Further research on practitioner and stakeholder understanding of RJE core concepts and supportive practices, as well as a more thorough understanding of the nuances of decision-making in the suspension process will further the potential positive outcomes of RJE in California and the nation.

Recommendations

Based on the responses from RJE participants who participated in this study, we recommend:

1. Consider using the consensus concepts and practices developed in this, and future, studies to define an agreed-upon terminology and methodology to document RJE progress and outcomes. Standardize RJE practices, common data collection elements, and desired outcomes to further communication, research, and practice in the field;

2. Develop funding for well-structured RJE programs and evaluations so that promising practices can be identified and implemented; and

3. Increase opportunities for relationship-building and advocacy among RJE allies, including students, parents, practitioners, educators, funders, and researchers. Opportunities should reflect diversity across regions and demographic groups.

Conclusion

RSVP, a California RJE non-profit organization, convened a group of diverse RJE practitioners and stakeholders from across California to determine a set of promising RJE practices in order to further development of the discipline. The consensus suggested a set of core principles and supportive practices for RJE. Core principles include Indigenous Wisdom and Balanced Relationships, Community Inclusivity, and Circle Practice. Supportive Practices include Social and Emotional Learning (SEL), Narrative Practice, and Trauma-sensitive Approaches. RJE requires a cadre of creative, adaptable people, well-trained in RJE concepts, to run programs in schools and to be consultants to the teachers and other personnel who work with the program. Further research and support of these endeavors will improve documentation of RJE outcomes and facilitate comparisons to alternate approaches. The ultimate goal of RJE is to assist schools and communities in preventing and ameliorating conflict and school suspensions so that students can thrive.

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