APPENDIX VI – 6
Moving from Zero Tolerance to Supportive School Discipline: Creating Safe and Equitable School Environments with Restorative Practices

April 6, 2017

Carl Hermanns, Mary Lou Fulton Teachers College
“We cannot continue a system that replicates a failed criminal justice system within the walls of our schools. And we cannot continue to ignore student behaviors and not address the underlying issues that are causing them. We need to build a restorative culture that unlocks the gifts of all students in a manner they deserve.”

Better alternatives to zero-tolerance school discipline policies (3/20/14)

The National Education Association today joined school discipline reform advocates in renewed efforts to eradicate school discipline disparities, move away from harmful and counter-productive zero-tolerance discipline policies, and end the school-to-prison pipeline.

The toolkit illustrates how restorative practices can be seamlessly integrated into the classroom, curriculum and culture of schools, and how they can help transform schools to support the academic growth and health of all students.
Moving Past Punishment Toward Support (Winter, 2015)

Zero-tolerance policies intended to maintain safety and order not only have failed to do so but have caused considerable harm.

Data have shown both that these policies have failed to make schools safer and that their discriminatory application violates the 1964 Civil Rights Act.

...less serious (and more common) incidents should be dealt with using appropriate, proportional strategies,[such as]

Restorative practices through which students assume responsibility for the consequences of their actions
Disproportionate discipline

January 8, 2014

Dear Colleague:

**Purpose**: to assist public elementary and secondary schools in meeting their obligations under Federal law to *administer student discipline without discriminating on the basis of race, color, or national origin*.

**Impetus**: the alarming *increase in out-of-school suspensions*, the *disproportionate impact* of those suspensions on certain groups of students, and the significant *negative educational and long-term outcomes* that can result from these trends.
Facts: Out-of-school suspensions have *increased dramatically* over the last 40 years.

*Source: U.S. Dept. of Education, Office for Civil Rights*
**Facts:** Out-of-school suspensions impact certain groups of students disproportionately.

![Bar chart showing suspensions as % of enrollment by race, 2009-10](chart.png)

- **Asian:** 2%
- **White:** 5%
- **Latino:** 7%
- **Am. Indian:** 8%
- **Black:** 17%

*Source: Civil Rights Data Collection (CRCD) 2009-10 national sample*
Facts: Out-of-school suspensions create the potential for significant, negative educational and long-term outcomes.

- Individual students who are suspended are:
  - less likely to graduate on time and
  - more likely to repeat a grade,
  - drop out, or become involved in the
  - juvenile justice system.

- High rates of out-of-school suspensions have been related to lower school-wide academic achievement and standardized test scores.
Children of color get suspended more because they misbehave more.

We need to suspend these students to keep other students safe.

We need to suspend the bad kids so the good kids can learn.

- Do these responses make sense to you?
- Would you expect to hear responses like this in your own school context?
- How would you respond?
A few additional facts....
Facts: (behavior)

- *Children of color get suspended more because they misbehave more*

  ➢ Research has found *no evidence* that over-representation in suspension of students of color is due to higher rates of misbehavior.

  ➢ Studies show that Black students are more likely than white students to be suspended *for the same behavior*. 
Facts: (behavior)

• We need to suspend these students to keep our other students safe

- Many districts are frequently resorting to suspension for violations of even minor school rules

- Contrary to popular belief, most suspensions are not for guns, drugs, or violence – only 5% of all out-of-school suspensions were considered serious or dangerous.

- 95% of out-of-school suspensions were for nonviolent disruptions, with the majority being for subjective violations such as disrespect, or defiance.
Facts: (not only student behavior)

• Suspensions are significantly influenced by factors other than student misbehavior.
  ➢ Recent research indicates that the attitude of both school leaders and district leaders toward the use of suspension correlated highly with its use.

• Middle school is a real concern
  ➢ Out-of-school suspensions almost doubled between 2007 and 2010 for Black and White middle school students.
Facts: (achievement)

• *We need to suspend the bad kids so the good kids can learn*

  ➢ The frequent use of suspension brings *no benefits* in terms of *test scores* or *graduation rates*.

  ➢ After controlling for race and poverty, schools with *higher out-of-school suspension* rates tend to have *lower academic achievement*.

  ➢ Conversely, the *lower use of out-of-school suspension* rates correlates with *higher test scores*, not lower.
Facts: (Civil Rights Project report, 2015)

• In terms of academic success, **suspensions matter** because:

   **Loss** of classroom instruction time **damages** student performance.
  
  ✦ In 2011-12, nearly **3.5 million** public school students were suspended out of school at least once
  ✦ Of that 3.5 million, **1.55 million** were suspended at least **twice**
  ✦ The average suspension is conservatively put at **3.5 days**.
  ✦ U.S. public school children **lost nearly 18 million days of instruction** in just one school year because of exclusionary discipline.

  ✦ One recent study (Attendance Works, 2014) found that missing **three days** of school in the month before taking the National Assessment of Educational Progress translated into fourth graders scoring a **full grade level lower** in reading on this test.

   “**We conclude that our nation cannot close the achievement gap if we ignore the discipline gap.**”
Facts:

• **Bottom Line**: a strong body of research indicates that frequent **out-of-school suspension** does **not** produce better **learning environments** or higher academic achievement, or deter future misbehavior; it **does** create the potential for significant, **negative** educational and long-term outcomes, including **dropping out** and/or becoming involved in the **juvenile justice system** (*school-to-prison pipeline*).

➢ Both the **American Academy of Pediatrics** and the **American Psychological Association** have policies criticizing the use of **zero tolerance policies** and **out-of-school suspension**, except under exceptional circumstances.
Our data, 2015-16

To what extent does our district-level data mirror the national data?

- What am I seeing?
- What are the implications?
# Our data, 2015-16 discipline referrals

## Table 1. Student enrollment demographics by race/ethnicity and gender

<table>
<thead>
<tr>
<th>Race/Ethnicity</th>
<th>White / Anglo</th>
<th>African American</th>
<th>Hispanic</th>
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<th>Male</th>
<th>TOTAL</th>
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</thead>
<tbody>
<tr>
<td>#</td>
<td>10,784</td>
<td>4,860</td>
<td>31,161</td>
<td>1,925</td>
<td>1,043</td>
<td>1,725</td>
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<td>60.51%</td>
<td>3.74%</td>
<td>2.03%</td>
<td>3.35%</td>
<td>48.63%</td>
<td>51.37%</td>
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## Table 2. Discipline referral data by race / ethnicity and gender (*unduplicated – 1 or more referrals*)

<table>
<thead>
<tr>
<th>Race/Ethnicity</th>
<th>White / Anglo</th>
<th>African American</th>
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<tbody>
<tr>
<td>#</td>
<td>889</td>
<td>634</td>
<td>2,632</td>
<td>203</td>
<td>33</td>
<td>170</td>
<td>1,321</td>
<td>3,240</td>
<td>4,561</td>
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<tr>
<td>%</td>
<td>19.49%</td>
<td>13.90%</td>
<td>57.71%</td>
<td>4.45%</td>
<td>0.72%</td>
<td>3.73%</td>
<td>28.96%</td>
<td>71.04%</td>
<td>100%</td>
</tr>
</tbody>
</table>

*Unduplicated indicates students who had at least one or more referrals.*
# Our data, 2015-16 in-school suspensions

## Table 1. Student enrollment demographics by race/ethnicity and gender

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<thead>
<tr>
<th></th>
<th>White / Anglo</th>
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## Table 3. In-school Suspension data by race/ethnicity and gender

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<thead>
<tr>
<th></th>
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<th>Asian American</th>
<th>Multi-Racial</th>
<th>Female</th>
<th>Male</th>
<th>TOTAL</th>
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</thead>
<tbody>
<tr>
<td>#</td>
<td>324</td>
<td>333</td>
<td>1,244</td>
<td>95</td>
<td>17</td>
<td>68</td>
<td>571</td>
<td>1,510</td>
<td>2081</td>
</tr>
<tr>
<td>%</td>
<td>15.57%</td>
<td>16.00%</td>
<td>59.78%</td>
<td>4.56%</td>
<td>0.82%</td>
<td>3.27%</td>
<td>27.44%</td>
<td>72.56%</td>
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Our data, 2015-16 off-campus suspensions

Table 1. Student enrollment demographics by race/ethnicity and gender

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Table 4. Out of School Suspension data by race/ethnicity and gender

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<tr>
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<th>White / Anglo</th>
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<tr>
<td>#</td>
<td>294</td>
<td>250</td>
<td>903</td>
<td>86</td>
<td>9</td>
<td>68</td>
<td>445</td>
<td>1165</td>
<td>1610</td>
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<tr>
<td>%</td>
<td>18.26%</td>
<td>15.53%</td>
<td>56.09%</td>
<td>5.34%</td>
<td>0.56%</td>
<td>4.22%</td>
<td>27.64%</td>
<td>72.36%</td>
<td>100%</td>
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<td>Incident Category</td>
<td>In-School Suspension</td>
<td>Out of School Suspension</td>
<td>Total</td>
<td></td>
<td></td>
<td></td>
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<td>--------------------------------------------------------</td>
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<td></td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td>Aggression</td>
<td>1511</td>
<td>935</td>
<td>2871</td>
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<td>Alcohol, Tobacco and Other Drugs</td>
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<td>531</td>
<td>661</td>
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<tr>
<td>Other Violations of School Policy</td>
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<td>193</td>
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<td>Harassment, Threat and Intimidation</td>
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<td>122</td>
<td>421</td>
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<td></td>
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<td></td>
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<tr>
<td>Weapons and Dangerous Items</td>
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<td>109</td>
<td>245</td>
<td></td>
<td></td>
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<td>Sexual Offenses</td>
<td>136</td>
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<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Lying, Cheating, Forgery</td>
<td>49</td>
<td>63</td>
<td>157</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Technology, Improper Use</td>
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<td>55</td>
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<tr>
<td>Vandalism or Criminal Damage</td>
<td>46</td>
<td>54</td>
<td>141</td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td>Theft</td>
<td>69</td>
<td>31</td>
<td>175</td>
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<tr>
<td>Attendance Policy Violation</td>
<td>41</td>
<td>24</td>
<td>378</td>
<td></td>
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<td></td>
<td></td>
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<tr>
<td>Arson</td>
<td>10</td>
<td>14</td>
<td>21</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trespassing</td>
<td>8</td>
<td>8</td>
<td>18</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>TOTAL (*Distinct Students)</td>
<td>2081</td>
<td>1610</td>
<td>4561</td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>
## Our data, 2015-16 combined suspensions

### Table 1. Student enrollment demographics by race/ethnicity and gender

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<td>100%</td>
</tr>
</tbody>
</table>

### Table 5. Combined In-School Suspension and Out of School Suspension data by race/ethnicity and gender

<table>
<thead>
<tr>
<th></th>
<th>White / Anglo</th>
<th>African American</th>
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<th>Female</th>
<th>Male</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>#</td>
<td>503</td>
<td>462</td>
<td>1756</td>
<td>145</td>
<td>19</td>
<td>115</td>
<td>842</td>
<td>2158</td>
<td>3000</td>
</tr>
<tr>
<td>%</td>
<td>16.77%</td>
<td>15.4%</td>
<td>58.53%</td>
<td>4.83%</td>
<td>0.63%</td>
<td>3.83%</td>
<td>28.07%</td>
<td>71.93%</td>
<td>100%</td>
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</table>
Encouraging Third Quarter Trends in TUSD!

*When comparing the Third Quarter of 2015-2016 to the Third Quarter of 2016-2017, the percentage of disciplinary incidents in TUSD has been reduced at every school level.

<table>
<thead>
<tr>
<th>School Level</th>
<th>2016 Incidents</th>
<th>2016 Students</th>
<th>2016 %</th>
<th>2017 Incidents</th>
<th>2017 Students</th>
<th>2017 %</th>
<th>Discipline Reduction</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elementary Schools</td>
<td>361</td>
<td>17,991</td>
<td>2.01%</td>
<td>246</td>
<td>17,542</td>
<td>1.40%</td>
<td>0.61%</td>
</tr>
<tr>
<td>K-8 Schools</td>
<td>358</td>
<td>9,081</td>
<td>3.94%</td>
<td>247</td>
<td>8,823</td>
<td>2.80%</td>
<td>1.14%</td>
</tr>
<tr>
<td>Middle Schools</td>
<td>892</td>
<td>7,044</td>
<td>12.66%</td>
<td>588</td>
<td>6,930</td>
<td>8.48%</td>
<td>4.18%</td>
</tr>
<tr>
<td>High Schools</td>
<td>347</td>
<td>13,804</td>
<td>2.51%</td>
<td>308</td>
<td>13,733</td>
<td>2.24%</td>
<td>0.27%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>1964</td>
<td>47,986</td>
<td>4.09%</td>
<td>1410</td>
<td>47,118</td>
<td>2.99%</td>
<td>1.10%</td>
</tr>
</tbody>
</table>
How did we get here?

Why is it happening?

What can we do about it?
How did we get here?

A brief history of “the School-to-Prison Pipeline”

Definition: a metaphor for explaining how certain groups of children are pushed out of schools and into the criminal justice system.

Pipeline of opportunity

Pathway to incarceration
How did we get here?

A brief history of “the School-to-Prison Pipeline”

• 1970s: War on Drugs

• 1980s: Mandatory minimum sentences

• 1986: Zero tolerance spreads to schools: Drug-Free Schools and Communities Act

• 1994: Safe and Gun-Free Schools Act

• 1999: Columbine shootings; COPS in Schools program; expansion of COPS program in early 2000s

➢ Between 1997 and 2007, # of SROs rose 38%

Since 1993, incidents of school violence have been steadily dropping (National Center for Education Statistics)
How did we get here?

A brief history of “the School-to-Prison Pipeline” (cont.)

“The wave of punitiveness that washed over the United States with the rise of the drug war and the get tough movement really flooded our schools.

Schools, caught up in this maelstrom of fear, zero tolerance policies, and increased police presence in school, began viewing children as criminals or suspects, rather than as young people with an enormous amount of potential struggling in their own ways and their own difficult context to make it and hopefully thrive. We began viewing the youth in schools as potential violators rather than as children needing our guidance.”

- Michelle Alexander
How did we get here?

A brief history of “the School-to-Prison Pipeline” (cont.)

Results:

• **Zero tolerance**, originally focused on drugs and guns, came to target an *ever-expanding* range of behaviors (e.g., disrespect, defiance, aggression, other violations of school policies).

• The number of **suspensions** has increased dramatically since 1974
  • Rates *escalated* in the mid-1990s, as zero *tolerance* policies became more widely adopted.
How did we get here?

A brief history of “the School-to-Prison Pipeline” (cont.)

Consequence:

- A student who is suspended or expelled for a discretionary violation is nearly **three times** as likely to be in contact with the juvenile justice system the following year.

- Once students enter the juvenile justice system, they are more likely to **fail** in school, which in turn **increases** their chances of ending up back in the juvenile justice system.

- Research indicates that the minute a child sets foot in the juvenile justice system, their chances of becoming an adult offender go up **50%**.

- Over **70%** of students in school-related referrals to law enforcement are African-American or Latino.
Why is it happening?

Implicit bias

Lack of Authentic Relationship
Implicit bias

Kirwan Institute State of the Science: Implicit Bias Review 2014
Implicit bias: definitions

- *Implicit bias* is the bias in judgment and/or behavior that results from subtle cognitive processes (e.g., *implicit attitudes and implicit stereotypes*) that often operate at a level *below conscious awareness* and without intentional control.

National Center for State Courts: *Helping courts address implicit bias - FAQs*
Implicit bias: law enforcement

Mr. Comey said there was significant research showing that all people have unconscious racial biases. Law enforcement officers, he said, need “to design systems and processes to overcome that very human part of us all.”

“Although the research may be unsettling, what we do next is what matters most,” Mr. Comey said.
Implicit bias: medicine

Physicians and Implicit Bias: How Doctors May Unwittingly Perpetuate Health Care Disparities
- Chapman, E.N., et al., 2013

Although the medical profession strives for equal treatment of all patients, disparities in health care are prevalent.

... Research suggests that implicit bias may contribute to health care disparities by shaping physician behavior and producing differences in medical treatment along the lines of race, ethnicity, gender or other characteristics.
In health care, gender disparities are especially pernicious. Women...were in considerable greater danger of dying of preventable blood clots than men.

What’s especially difficult in ending such discrimination is that providers may not even realize they’re behaving in biased ways. Whether unintentional, unconscious or simply based on erroneous assumptions, treatment differentials clearly exist. Interventions like the Hopkins checklist can help correct them.
Can the Marine Corps Stop Bias Before It Starts?

- Kate Wheeling, 3.23.16

Marines will receive mandatory training to combat unconscious bias as more women join their ranks.

... The seminars will walk officers through the elements of the Corps’ plan for opening ground combat jobs to women. ... Topics include unconscious bias, which focuses on how people prejude others based on factors such as race and gender, and principles of institutional change.
School discipline was one of the most prominent education issues this year. A major theme within the discipline conversation has been the large discipline disparities by race/ethnicity and gender, which are exhibited as early as pre-K.

These disparities drew attention to the important issue of implicit bias – i.e., the idea that we all harbor unconscious attitudes that tend to favor individuals from some groups while putting others at a disadvantage.
A new study suggests that race plays a big role in influencing how teachers see their students’ potential for academic success, raising questions about whether teachers’ biases could be holding back black students and contributing to the nation’s yawning achievement gap.
We know that women are underrepresented in math and science jobs. What we don’t know is why it happens.

... A new study points to the influence of teachers’ unconscious biases, but it also highlights how powerful a little encouragement can be.

...The pipeline for women to enter math and science occupations narrows at many points between kindergarten and a career choice, but elementary school seems to be a critical juncture. Reversing bias among teachers could increase the number of women who enter fields like computer science and engineering...
Implicit bias: strategies

Can “de-biasing” strategies help to reduce racial disparities in school discipline?

Summary of the literature
March 2014

The positive news is that unconscious stereotypes are not set in stone. They can be “unlearned.”

The authors describe a “toolkit” of five strategies that research showed to be effective in reducing implicit bias in schools.
**Implicit bias: strategies**

*Patricia Devine, University of Wisconsin*: likens bias to “habits” that, with intention and practice, can be broken

1. **Stereotype Replacement**: An individual recognizes that he or she is responding to a situation or person in a stereotypical fashion. (S)he considers the reasons and actively replaces this biased response with an unbiased one.

2. **Counter-stereotypic Imagining**: Once an individual detects a stereotypical response, he or she thinks of examples—either famous or personally known to the person—that prove the stereotype to be inaccurate.

3. **Individuating**: This strategy involves gathering very specific information about a person’s background, tastes, hobbies, and family, so that one’s judgments will be based on the particulars of that person, rather than on group characteristics.
Perspective-taking involves stepping into the shoes of a stereotyped person. What does it feel like to have your intelligence automatically questioned, or to be trailed by detectives each time you walk into a store? Perspective-taking can be very useful in assessing the emotional impact on individuals who are constantly being stereotyped in negative ways.

5. Increasing Opportunity for Positive Contact: A final strategy for reducing implicit bias is to actively seek out situations where one is likely to be exposed to positive examples of African Americans or others subject to stereotypes.
Lack of Authentic Relationships

- When our interactions with students are predicated on maintaining **authority** and administering **punishment**, we **forfeit** the ability to form authentic and meaningful **relationships** with our students.

- **Zero tolerance** discipline that is imposed on young people without regard to the circumstances that influence their behaviors **erodes** their belief in fairness and further **alienates** them from school.

- Out-of-school suspensions often trigger a cycle of **disengagement** from schools, where students become less trusting and more resentful of their teachers, losing the “**connectedness**” that is such a critical component of academic success.
What can we do about it?
What can we do about it?

In your daily lives at school

- What are some ways that you have identified, wrestled with, or addressed implicit bias in yourself, and/or in others?

- What are some ways that you have built, or facilitated the building of, authentic relationships with or among students and/or staff?
Restorative Justice Principles

• Building authentic relationships and a sense of community to address and prevent conflict and wrongdoing.

• Accepting responsibility and repairing harm.

• Creating and maintaining trust through making and following through on agreements.

• Reconciliation through care and reintegration.
Restorative Justice

Restorative Justice Principles

• Focuses on **righting** a wrong and **repairing** harm

• Focuses on constructive **dialogue** between the harmed and the harm-doer to share how they were harmed, and how they will accept **responsibility** and work to resolve the harm caused.

• Focuses on repairing **relationships** that have been injured, and **reintegration** into the school community.
Restorative Justice

Restorative Justice Principles

• Restorative justice holds harm-doers accountable not by asking them to “take the punishment,” but rather to ensure they take responsibility by making amends to their victims and the community harmed.

• By empowering youth to be responsible for their own actions and their concomitant impacts, restorative justice offers students a means to rebuild their dignity through mature reparation of harm.
In sum, a restorative philosophy:

- Emphasizes *problem-solving* approaches to discipline,
- Attends to the social/emotional as well as the physical/intellectual *needs of students*,
- Recognizes the importance of the *community* to establish and practice agreed-upon norms and rules, and
- Emphasizes *prevention* and early restorative *intervention* to create safe learning environments.
Restorative Justice

Outcomes

Nationally as well as internationally, there is considerable evidence that restorative approaches can result in:

- **Reduced** suspension and expulsion,
- **Decreased** disciplinary referrals,
- **Improved** academic achievement.
Restorative justice works, but it is not a silver bullet and is not a program that can be simply plugged in – it is a mindset and array of practices that take intentional and sustained practice on the part of both adults and students, in the context of supportive school structures and adequate resources, in order to build and sustain a safe, caring and respectful school culture and climate.
Restorative Justice/PBIS integration

Response to Intervention (RtI) Framework

Restorative Justice
- Circles of support and accountability for re-entry and re-integration following incarceration or expulsion
- Alternatives to suspension that support conflict resolution, peer mediation, family and community conferencing
- Practices (circles) that build relational trust and shared values. Restorative conversations that enable shared problem solving.

PBIS
- Individualized services for students in need of one on one and family support. Positive behavior plans, ongoing support of Multi-disciplinary Team
- Targeted supports and skill-building groups, Check-in/check-out (CICO) mentoring
- Equitable school-wide norms & expectations for all school settings that are taught and positively reinforced
Being and Doing

Mindset + Practice
Restorative Justice

Being + Doing
Whole School Change
A focus on Being

What do we, as adults, bring to the table?

- Beliefs
  - Punishment
  - Responsibility
  - Relationship
  - Community
  - Connectedness

- Values
  - Consequence

- Expectations
  - Policies

- Assumptions
A focus on Being

Essential questions:

- What are the **beliefs, values, expectations** and **assumptions** that we bring to our everyday interactions in school?

- To what extent do those beliefs, values, expectations and assumptions **support**, or **impede**, what it **sounds like**, **feels like**, and **looks like** to “be” RJ?
Thinking about Restorative Justice...

An opportunity that RJ presents is...
Thinking about Restorative Justice...

A challenge that RJ presents would be...
Thinking about Restorative Justice...

My hope for RJ is...
Thinking about Restorative Justice...

My fear about RJ would be...

...
How do we get there?

What’s next?

Moving Forward...
Moving from Zero Tolerance to Supportive School Discipline: Creating Safe and Equitable School Environments with Restorative Practices

April 6, 2017

Carl Hermanns, Mary Lou Fulton Teachers College