



RESTORATIVE JUSTICE AND HEALTH IN MERCED SCHOOLS

Improving health impacts through school discipline policy in Merced, CA



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EXECUTIVE SUMMARY

Exclusionary school discipline or “zero tolerance” policies stemmed from a federal mandate to keep guns out of schools. Over the last two decades, school districts across the country expanded the scope of offenses that automatically trigger a student’s suspension, expulsion, or arrest to include use of drugs or alcohol, threats, cursing, and the ill-defined “willful defiance.” But zero tolerance policies don’t work – they make schools no safer, harm students’ health, well-being, and achievement, and disproportionately target non-white students. Today, many schools are rethinking severe disciplinary approaches and embracing *restorative justice*, which focuses on repairing the harm caused by misbehavior and getting students to take responsibility for their actions.

In Merced County, the shift toward restorative justice is found in a number of high schools among the county’s 20 school districts. This Health Impact Assessment reviews the benefits of restorative justice in schools by examining six Merced-area high schools where restorative justice is in use. The HIA predicts the impacts of restorative justice on educational and fiscal impacts, suspension and school pushout, school climate, and mental health, and makes recommendations for continued and expanded use of restorative justice in these schools and others in the county.

The findings, and their specific implications for Merced County, include the following:

- Research suggests that if properly implemented and sustained, restorative justice policies can reduce suspensions in the range of 20% to 40%. If suspensions in the six Merced schools – more than 2,100 in 2012-13 – were reduced by 40%, 800 fewer students would be suspended each year. If that happened countywide, 3,400 fewer students would be suspended each year of the total number suspended, which was over 8,500 in 2012-13.
- Since state school funding is based on the number of students in attendance, a 40% reduction in suspensions in the county would save districts a total of \$120,000 per year.

- Suspended students are more likely to drop out, and each additional suspension increases the chance that they will eventually drop out. According to research predicting dropouts resulting from suspensions, of the more than 4,000 students suspended in Merced County in the 2012-13 school year, an estimated 1,830 will drop out.
- High school dropouts have a higher rate of unemployment, lower incomes, more poverty, and a higher rate of incarceration. The lifetime cost to society for each dropout is \$292,000, while each graduate benefits society roughly as much. If the 1,830 projected countywide dropouts stayed in school and graduated, the total benefit to society would be more than \$525 million.

Generally, research indicates that rather than help to promote safe and healthy schools, exclusionary discipline actually exacerbates misbehavior at school. Suspension leads to increased rates of misbehavior both at school and away, as students who aren’t in school are more likely to fight, carry weapons, use drugs and alcohol, and have sex. As many as 60% of daytime crimes are committed by truant youths, some of whom were excluded from school and many of whom fall into the “school to prison pipeline.”

Research tells us that this is especially true for African-American and Latino youth, who are the most likely to be suspended and expelled from school, make up the majority of incarcerated juveniles, and are more likely to be sent to prison as adults. Low-income students, students with single parents, and students with disabilities also are more often and more severely punished.

Studies show that restorative justice increases test scores and graduation rates. Restorative justice approaches have been found to reduce bullying, violence, and arrests at school. Students in schools practicing the principles of restorative justice have better relationships with teachers and with each other and develop higher self-esteem. All of those factors are social determinants shown to profoundly improve health and well-being.

Restorative justice offers students, teachers, and administrators an effective way to reach a dignified response to misbehavior, make amends, and repair harm. It typically features a non-adversarial, dialogue-based decision-making process that allows affected parties to discuss the harm done to victims while considering the needs of all participants, and an agreement for going forward, based on the input of all participants about what is necessary to repair the harm. In addition to reacting to conflicts, restorative justice can also include a continuum of proactive, community-building practices to cause reflection and build relationships.

The Merced County schools examined by the Health Impact Assessment are using two different models of a restorative justice disciplinary process. Five schools use a model in which the process starts by students filling out forms that describe and explain the behavior in question, ask what must be done to make things right, and how the student would behave differently in the future. At the sixth, the process begins with individual counseling, then a peer-to-peer conference resulting in agreements to repair harm, and follow-up to make sure the agreement is kept.

The restorative justice model used in five schools is at a different phase of development in each school, and the Health Impact Assessment finds that effective restorative justice programs strategically combine a variety of methods. Research and focus groups with students, teachers, and administrators suggest that the counseling and peer conference approach is

avored by participants and has more benefits.

Recommendations of the Health Impact Assessment include:

- Continue and expand use of restorative justice in the six schools studied and consider expansion to other Merced County schools.
- Implement restorative justice methods strategically selected from the continuum of methods available, and focus on mediation and communication.
- Allow three to six years for a restorative justice approach to be fully implemented at each school.
- Begin restorative justice practices in elementary or middle school. At a minimum, begin educating students and staff in its principles at schools feeding to restorative justice high schools.
- Educate not only students, teachers, and administrators about restorative justice, but also parents and law enforcement officials.
- Connect restorative justice programs to other services such as mental health and substance abuse treatment.

A complete list of recommendations follows.

RECOMMENDATIONS

According to literature and case study evidence, lessons learned from students, school staff, and school administrators, and suggestions from the HIA Steering Committee, we recommend the following measures for Merced County school districts to improve school discipline policies:

[Restorative justice program recommendations](#)

- Continue / expand implementation of RJ practices in current schools and consider expansion to other schools in the county.
- Implement restorative justice in accordance with the seven principles below:
 - Acknowledge that relationships are central to building community;
 - Build systems that address misbehavior and harm in a way that strengthens relationships;
 - Focus on the harm done rather than only on rule-breaking;
 - Give voice to the person harmed;
 - Engage in collaborative problem-solving;
 - Empower change and growth; and
 - Enhance responsibility.
- Implement restorative justice methods strategically selected from the continuum of methods available, and use an engaging circle/conference model together with other components rather than individual methods in isolation (e.g., a green slip model); focus on mediation and communication rather than compartmentalization.
- Plan for a three to six year implementation period.
- Ensure that all school staff and administrators receive restorative justice training.
- Select staff with appropriate skills and expertise for leading the restorative justice program.
- Ensure student understanding of restorative justice protocols early in the school year.
- Implement well-focused leadership of the restorative justice program.

- Use a continuum of restorative practices (e.g., in addition to conferencing and other typical restorative justice processes, encourage and allow space for brief teacher-student exchanges, relationship-building, communication of feelings, and reflection on how one's behavior affects others).
- Implement the new discipline approach gradually, to allow students and staff time to adjust.
- Begin restorative practices in elementary or middle school; if this is not yet feasible, begin educating students and staff at feeder elementary/middle schools about restorative justice.
- Encourage student leadership in restorative justice program, such as student/peer panels and conferencing.
- Incorporate student involvement in restorative justice at beginning of implementation.
- Encourage parent involvement in restorative discipline (e.g., a parent advisory committee).

[Complementary policies](#)

- Consider investment in supplemental policies such as positive behavioral interventions and supports (PBIS), cognitively-based classroom management skills, and social and emotional learning strategies.
- For schools with students facing many socio-economic issues, provide counseling services and other trauma-informed supports so that students have an outlet for healing.
- Create follow-up care programs for youth who've gone through the restorative justice process.

Educate students, parents, and community on restorative justice

- Provide culturally appropriate education on restorative justice techniques to students, parents, and teachers.
- To ensure that restorative justice process is clear to everyone in the school community, create a flowchart of restorative justice process and steps and distribute to all students, teachers, school staff, and parents.
- Hold a conference for the entire school community (including students and parents) to educate on restorative justice.
- Educate law enforcement (i.e., police and probation officers) on restorative justice.

Continue evaluation of restorative justice programs

- Conduct evaluations of each school's program to allow for improvement of that program and so that schools can learn from one another.
- Hold an annual meeting attended by all schools to foster learning between schools.
- Monitor and improve data systems (i.e., capturing application of restorative justice program).
- Create and apply a deliberate approach to sharing information and data to school staff, parents, and other stakeholders.
- Evaluate parent education tools, including evaluation of parents' level of understanding of restorative justice program.

Making restorative justice sustainable

- Obtain and sustain funding resources dedicated to restorative justice training, consultants, and facilitators.
- Provide ongoing support to teachers and school staff.
- Connect restorative justice program with other wraparound services like mental health and substance abuse treatment.
- Build the restorative justice program into school district's Local Control and Accountability Plan (LCAP) and District Wellness Plans.



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