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### Restorative Justice; An Alternative to Traditional Discipline

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**Restorative Justice; An Alternative to Traditional Discipline**

by

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A Starred Paper

Submitted to the Graduate Faculty of

St. Cloud State University

in Partial Fulfillment of the Requirements

for the Degree

Master of Science in

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## **Chapter I: Introduction**

### **Introduction**

School is a social system common to societies where relationships are centered. For many children, school is the first place where life is based on constructive and destructive social interaction. It is a setting that represents a community where behaviors have a protocol already in place. A community's definition is a feeling or a perception of belonging, having a sense of ownership and responsibility; one where a group of individuals who have learned how to communicate honestly through two ways—the first, language, which reflects their culture and worldview and second, through behavioral interactions. Long-established corrective punishment within schools includes: revoking certain privileges, sanctioning detentions, suspensions, and expulsions. Traditional discipline protocol procedures are known to give the strictest punishments while omitting the situation's person or circumstances. In the last three decades, schools have been much more supportive of harsh approaches to identifying and preventing student misbehavior, as evidenced by the growing presence of surveillance cameras, metal detectors, drug-sniffing dogs, and armed police known as School Resource Officers. In these schools that implement restorative justice, resource officers develop affiliations with educators to help create suspension alternatives and offer additional support to school staff. While some may view having probation officers in schools as supporting a jail-like feeling, the goal with court-involved and at-risk youth is supported in the classroom and progress in meeting educational goals.

### **Restorative Justice**

Restorative Justice (RJ) can be responsive to student diversity as it considers each unique situation and allows all participants to share their perspectives. The most common goal for

restorative justice in the overall school culture creates a respectful, tolerant and supportive environment. Restorative justice emphasizes a fair and collective process, featuring nurturing and growth, communal empathy, and resilience overexploitation and imposed control. These beliefs highlight the importance of schools' implementing disciplinary approaches considered logical by students while encouraging cooperative bonding among students and staff.

Achieving justice and meaningful school discipline in a healthy way suggests that holding offenders or rule-breakers accountable is not about asking them to take the punishment, but rather about ensuring that they take *responsibility* by making amends to their victims and the community (Schiff & Bze4more, 2012). The distinction between passively accepting punishment and actively assuming responsibility for behavior separates restorative accountability from punishment. These practices allow schools to create individualized solutions more manageable for misbehaving students to fulfill. An RJ program can involve the whole school, including universal training of staff and students in restorative justice principles. It can be combined with other correctional discipline approaches, such as Social and Emotional Learning (SEL) and Positive Behavioral Interventions and Supports (PBIS). Both RJ and PBIS's goals are to strengthen the school culture. The difference is that RJ is proactive and philosophy, while PBIS is a behavioral management program.

Howard Zehr uses the three Rs of restorative justice-respect, responsibility, and relationship (Morrison, 2015). Through this theory, we shift from retribution to restoration in terms of, who has been harmed, what their needs are, and whose obligation is it restore what has been done. RJ frames the problem as a violation of relationships rather than a violation of institutional rules of order, as defined in student codes of conduct within education.

## **Historical Background**

Proponents of restorative justice in the western world consistently trace its roots to ancient indigenous and spiritual traditions, highlighting the importance of humanity for each other and their environment. From their perspective, justice encourages the community's growth and acknowledges that everyone requires help. Hence, everyone is both a giver and a receiver. In the 1980s and 1990s, RJ spread into the U.S. and European criminal and juvenile justice systems. By the mid-1990s, RJ began transitioning into education.

Restorative practices were brought to the forefront in 1974 in Ontario, Canada, when a parole officer, Mark Yantzi, facilitated a restorative meeting between two vandals and their victims. This replaced the court hearing and was very successful in bringing restitution and reconciliation. Ontario's Ministry of Education's Safe School's Act 2000 relied heavily on the zero-tolerance policy. This resulted in a sharp increase in student suspensions, expulsions, and a wide variety of anti-violence programs that did not ensure the parents' or students' schools were safe. This policy was proven ineffective in the schools and communities, increasing gang activity and youth gang violence. In 2007, Ontario Education Minister, Kathleen Wynne, declared the zero-tolerance concept was a failed idea. In 2008, Kathleen Wynne adopted Ontario's Ministry of Education's Bill 212, using alternatives that replaced suspension and expulsions for more support as counseling, mediation, and restorative justice.

Since 1989, beginning in New Zealand with the Maori tribes, restorative justice has been introduced to the educational environment. These processes were developed to reduce severe disciplinary action in the justice system, situations of family distress, or discipline suspensions and exclusions. Soon after, restorative justice was implemented in juvenile justice areas. In 1994, New Zealand was one of the first to initiate a new national curriculum. The government aimed to

improve student achievement by reducing the disparity in outcomes across the country—to “improve New Zealander's skills, reducing inequalities in education, strengthening national identity and growing an inclusive, innovative economy for the benefit of all” (Gray & Drewery, 2011, p. 13). The curriculum’s values are meant to aspire to reflect common cultural beliefs, excellence, innovation, inquiry and curiosity, diversity, equality, community and participation, ecological sustainability, integrity, and respect. These values are deemed essential to citizenship, community education, an aspiration to improve New Zealand education culture, and, ultimately, the country itself.

### **Research Question**

Does data support restorative justice as an effective alternative to traditional school discipline with students?

### **Importance of Topic**

School safety concerns grew in the 1990s and early 2000s. School discipline has become a high-profile issue due to four widespread trends: 1) the over-reliance on police and juvenile courts to address school-based behavior, 2) the misapplication of disciplinary approaches excludes students from the school, including out of school suspensions, expulsions, and referrals to alternative schools or programs, 3) the increased presence of law enforcement or security personnel and infrastructure (metal detectors, surveillance cameras, etc. within schools), and the adverse effects this has on school climate, and finally, 4) the disproportionate impact these dynamics have on students; with disabilities, minorities, lesbian/gays. This official policy’s short-term impact may help teachers and education administrators with classroom management and school safety. However, in reality, they are removing a student and depriving them of the school's procedural justice process.

As many school districts rely on suspension, expulsion, detention, and revoking certain privileges to contain student behavior. They have found that students eventually become immune to a certain level of punishment, requiring longer or more severe penalties. Students who are suspended are more at risk for poor attendance, inability to progress to the next grade, failure to graduate, and subsequent involvement in the juvenile and adult justice systems. Particularly urban environments with large numbers of youth getting involved with official legal systems—thus contributing to a trend toward a “school to prison pipeline” (Fronius, et al., 2016). The school-to-prison pipeline is defined as: “a confluence of exclusionary educational policies in under-resourced public schools and a punitive juvenile justice system that fails to provide education and mental health services for most at-risk students and drastically increases the likelihood that these children will end up with a criminal record rather than a high school diploma” (Kim et al., 2010, p. 4.) These schools are being identified by their students as prisons, while the students are being viewed as suspects/criminals committing crimes.

Many schools started researching how to prevent incidents of violence post-Columbine in 1999. They began to engage with a wide variety of policies and procedures to produce a safe school environment. The result from this research was the creation of zero-tolerance policies to reduce the potential for violence in schools by requiring punishment for unsafe actions. The philosophy of zero-tolerance is based on the broken-window theory, which is how communities must react to even minor disruptions in the social order with a relatively strong force to send a message that certain behaviors will not be tolerated. Talking disrespectfully to a teacher, disrupting class with talking and willful defiance are examples of the broken window theory behaviors resulting in suspensions. This has been linked to the criminal justice system, which sees punishment as its main function. The unintended consequences of zero-tolerance practices

have resulted in the methodical exclusion of poorly performing and behaviorally challenged students from schools whose administrators have also been mandated to improve academic achievement scores through policies such as No Child Left Behind to receive sufficient state resources (Advancement Project, 2010) (Schiff & Bazemore, 2012). The Clinton Administration and Congress jumped on the zero-tolerance philosophy, passing the Gun-Free Schools Act in 1994, mandating a one-year calendar expulsion for possession of firearms on school grounds. Zero-tolerance policies have led to many youths being suspended or expelled with no evidence of a positive impact on school safety. The U.S. Government Accountability Office (2018) found while African Americans represent 15.5% of all students in the country, they represent 39% of students suspended from schools and that while students with disabilities represent 13.7% of all students, they represent 25.9% of those suspended (Fronius et al., 2016). RJs approvals are obtained during these justice processes rather than employing traditional punitive sanctions, such as expulsion. Restorative justice restitution can include community service, money to fix items, apologies, or specific behavioral change agreements, or the offender agreeing to comply with certain conditions.

### **Focus of Paper**

Students with disabilities often need support and services for academics in school. Most recent reviews of students with special education disabilities have found they represent a larger percentage of the suspended and expelled population. When suspended, they lose instruction time, exacerbating their academic achievements and other skills they need. They make up about 20%-24% of the population compared to the typical 11%-14% of their school district population. Students with certain mental health problems diagnosed under the Individual with Disabilities Education Act (IDEA) as having Emotional Behavior Disorder (EBD) are found to be at

significant risk of school discipline in special education. According to researchers, three-fourths of high school EBD students have been expelled or suspended compared to students without. The Office of Special Education and Rehabilitative Services (OSERS) 2018 study found students with EBD have the third-lowest graduation rate with 57% receiving a high school diploma, the highest rate of suspensions for more than 10 days of any disability category, and are incarcerated and arrested at a higher rate than their peers. For every 10,000 children aged 3-21 years with EBD, 365 students received out-of-school suspension or expulsions, and 114 students received in-school suspension for more than 10 cumulative days.

While working at a Federal Level IV school for special education students, I was asked to incorporate restorative justice in my classroom. Unfortunately, I did not receive any formal training on this subject. I took my understanding and applied it to my existing practices in my classroom of cross-categorical students (Emotional Behavior Disorder, Autism Spectrum Disorder, and Developmental Mood Dysregulation Disorder). Soon after implementing RJ, it helped my students with character education. While focusing on this research paper, I immediately knew the topic I wanted to explore. I jumped into the familiar yet unfamiliar subject: restorative justice. The simple education I had received at my place of employment was the tip of the iceberg. I wanted to find out the history, its effectiveness with special education students, and RJ is still in practice.

### **Definitions**

*Active Listening:* The technique requires the listeners to restate or paraphrase what they heard from another in the listener's own words.

*Autism Spectrum Disorder (ASD):* A developmental disability that can cause significant social, communication, and behavioral challenges. They might repeat certain behaviors and might not want change in their daily activities.

*Character Education:* Teaching students social-emotional skills that foster healing and forgiveness while at the same time building self-improvement and self-regulation through accountability and ownership.

*Disruptive Mood Dysregulation Disorder (DMDD):* A condition in which a child is chronically irritable and experiences frequent, severe temper outbursts that seem out of proportion to the situation at hand. They struggle to regulate their emotions in an age-appropriate way. In between outbursts, they are irritable most of the time. It is a new disorder to more accurately diagnose children who were previously diagnosed with pediatric bipolar disorder. They do not experience the episodic mania or hypomania characteristic of bipolar disorder.

*Emotional Behavior Disorder (EBD):* An emotional and behavioral disorder disability characterized by the following: an inability to learn which cannot be explained by intellectual, sensory, or health factors, an inability to build or maintain satisfactory interpersonal relationships with peers and/or teachers, inappropriate types of behaviors or feelings under normal circumstances.

*Expulsion:* Removal from an educational institution for a year or more.

*Federal Level IV School:* Students who receive education programs in public separate day school facilities, including students for more than 50% of the school day in a specially designed facility or program for special education students only.

*Individuals with Disabilities Education Act (IDEA):* Law that makes available a free appropriate public education to eligible children with disabilities throughout the nation and ensures special education and related services to those children.

*Harm:* Injury (physical, emotional, social) inflicted on or against a person in any capacity.

*Juvenile justice:* Persons under the age of 18 involved in the court system.

*National Centre for Restorative Approaches in Youth Settings:* An innovative approach to offending and inappropriate behavior that puts repairing harm is made to relationships and people over and above the need to assign blame and dispensing punishment. A restorative approach in a school shifts the emphasis from managing behavior to building, nurturing, and repairing relationships (Fronius et al., 2016, p. 2).

*Office of Special Education and Rehabilitative Services (OSERS):* A program of the United States Department of Education committed to improving infants, toddlers, children, and youth with disabilities ages birth through 21 by providing leadership and financial support to assist states and local districts.

*Peer Mediation:* Utilizing student peers to facilitate dialogue or restorative justice practices between students to address an issue and come to a solution to avoid future conflict.

*Punishment:* Imposition of an undesirable outcome upon a student by an authority figure.

*Positive Behavior Interventions and Supports:* A proactive approach to teaching behavioral expectations and preventing unwanted behaviors.

*Restitution:* Act of making up for damages or harm. Restoring something to its original state and returning something to its rightful owner. Offender making amends to a victim for the

hurtful offense. These can include community service, apologies, specific behavioral change agreements.

*Restorative Questioning:* Use of open-ended questions to help individuals process an incident and reach a solution.

*Restorative dialogue:* Informal conversation that uses restorative language to avoid potential conflict and address less serious issues.

*School Information System (SIS):* The system where students' information and records are kept.

*Social-Emotional Learning (SEL):* A framework for helping students understand their emotions, others' emotions, how to better relate to others, how to manage their feelings and behaviors, and how to engage in responsible decision-making.

*Suspension:* Short-term removal of a student from the regular education setting due to a school rule or procedure violation.

*Traditional discipline:* Long-standing approach to discipline procedures that involve retribution. The idea behind these policies is that students will conform out of fear of consequences. An authority figure decides the punishment of the offense, and students learn to change behavior based on the punishment.

*Zero-tolerance in schools:* Strict enforcement of regulations and bans against behaviors; physical assaults or possessions of items, such as weapons or illicit drugs, considered undesirable by said schools.

### **Categories of Restorative Practices**

The main focus of restorative practices is based on principles of communication, understanding, and fostering relationships. The concept of dialogue is also critical in terms of

deepening the concrete framework. The purpose of the dialog is used to involve the victim actively and the offender to discuss offenses, express their feelings, and for victims to get answers to their questions. Three questions that are asked and answered are:

1. Who has been harmed?
2. What are their needs?
3. Whose obligation is it?

Each participant can listen and share their stories, becoming aware that the experience has had a far greater impact than previously known. This awareness can lead to a personal and cooperative commitment to act. Everyone belongs and is valued, even if a participant chooses not to speak. These practices include family-group, victim-offender mediation conferences, and various circles classified as peace-making or restorative.

### ***Family Group Conference***

This is often used for most juvenile offenses as a diversion from the court and can provide a much speedier and more satisfying resolution. An appointed mediator brings together the victim, offender, and supporters of both parties. The mediator briefs the family on the community expectations, services, and resources to support them. Thus, it becomes a disciplinary diversion, an alternative to long-term suspension or expulsion. Some offenses that can be resolved using this approach are theft, arson, minor assaults, drug offenses, and vandalism.

### ***Victim Offender Mediation***

In this restorative practice, the victims and offenders are offered an opportunity to meet in a safe, structured setting to partake in the wrongdoing discussion. During this process, victims can gain empowerment by explaining how the crime affected them. Offenders are then allowed to explain their story, take responsibility, and learn their actions' full impact. Both parties

mutually develop a plan that describes the restitution process with a mediator. If the offender does not meet the restitution conditions, their case can be turned over to the court system.

### *Circles*

The circles have guidelines, which are designed to ensure they personify and promote restorative principles. Participants sit in a circle to express equality, transparency, and joint ownership of the process. Both circles can use a “talking piece”, an object that symbolizes quietness from others, allowing the person holding it to be the only one speaking. It also encourages participants to be self-controlled, respectful, honest, and open. Students are reminded that confidentiality of what happens in the circle stays in the circle to help create a space where students feel respected, safe, and free to be vulnerable.

In a restorative circle, the most common practice, the mediator starts the discussion with a question or a prompt. Typically, it is a structured discussion to address a wrong while restoring or building a community. The second most common is a peace-making circle emphasizing healing and learning through a collective group process, aiming to repair the harm done while bringing together parties involved in harmful actions. Participants include the victim or victims, the offender, and a facilitator and may include other community members. Together the circle participants aim to restore sanction for the offender through restitution.

## **Chapter II: Review of Literature**

The purpose of this review of literature is to examine restorative practices applied and the effectiveness RJ has on the educational system with managing discipline, the school climate, and the outside community. Schools are reevaluating their disciplinary procedures because they realize traditional procedures are ineffective in altering behavior patterns and continue to affect students who need to stay in school. Studies typically measure behavior in three ways; type of transgression committed (e.g., attendance, disruption, fighting), frequency of misbehavior (e.g., first offense or repeated), and disciplinary outcomes (e.g., suspension or expulsion). The following 17 studies explore general, restorative practices and the effectiveness of those practices on school discipline.

### **Restorative Practices in Australia**

It is commonly believed that Australia leads the way with the first use of restorative justice in school settings. Most literature points to a Queensland High School that first implemented a school-based restorative justice conference in 1994 to respond to an assault at a school-sanctioned event (Fronius et al., 2016). Since this incident was seen as a success, multiple government agencies expanded RJ to over 100 schools in two pilot studies. The results of these studies suggested participants felt it was a fair process and were overall satisfied with the result. Following this primary work in Queensland, restorative justice practices in schools were embraced widely across Australia, New Zealand, the United Kingdom, and other European nations, eventually in Canada and the United States.

### **Restorative Practices in the United States**

In some states such as; New York, Illinois, Colorado, California, Pennsylvania, Maine, Minnesota, Michigan, Florida, and Texas, restorative justice has been implemented in the

schools for many years, evidenced by more large-scale and sustainable programs. Most reports describe the restorative justice program as successful, whether implemented in public, private, or alternative schools, in urban or suburban environments, and one school or every school in the district. Bazemore and Schiff (2005) conducted a census of restorative justice practices in the U.S. Justice System and developed strategies to evaluate RJ's various approaches (Fronius et al., 2016). Their census identified a total of 773 programs across the nation. The most common were comparatively informal practices, such as restorative dialogue and offender mediation.

Conferencing was identified as a potentially effective approach to engage participants and make restitution.

### ***New York***

New York City (NYC) is the country's largest school system, with more than 1.1 million students in over 1,800 schools. NYC is representative of the broader national trends in school discipline that have come to the forefront in the past few decades. The number of school suspensions doubled between 2001-2011, from 29,000 to 70,000, and increased police presence and metal detectors. In 1998, the NYC Department of Education (NYC DOE) transferred their responsibility of managing NYC school security to the New York City Police Department (NYPD). In 2017, there were more unarmed police officers in the schools than there were full-time guidance counselors and social workers combined. The mayor's office and the NYC DOE, in 2015, declared a radical change in their discipline process. Their goal was to decrease suspensions, racial disparity and increase restorative justice practices throughout schools. In the 2016-2017 school year, there was a 49% reduction in suspensions compared to the 2012-2013 school year. Not only were suspensions reduced, but NYC DOE also capped the suspensions at 20 days, a reduction from 180 days, expanded socio-emotional learning to all elementary schools

and RJ for all middle and high schools. This is the nation's largest school system that has shifted to RJ practices. This study was conducted as a baseline to view what might work for other schools to change their shift to RJ practices.

The schools selected for this study had five criteria; serving grades 6-12, a student body representative of differences impacted by the school to prison pipeline, having an RJ approach to discipline, decreased use of suspensions, and principals flexible to study participation. The five contributing NYC schools were; a transfer high school, two high schools, one joint middle/high school, and one middle school. The schools chosen had a range of grades, located within NYC, diversity in student populations, and a phase of RJ implementation. The study consisted of two groups: an interview group consisting of general staff and student support assistants (SSA) and a focus group consisting of students and parents. Both groups were asked a series of questions based on perceived school safety, school responses to conflicts and student issues, and available school resources. They were also asked what they thought about the school's strengths, challenges, and future recommendations. Researchers interviewed 109 participants; 32 staff members, 44 students, 23 parents, and 10 SSA's. In phase one or the with-in analysis process, the data was compiled and given initial codes using a qualitative software program, Dedoose. The between-case analysis, phase two, was creating a thematic map based on the within analysis codes. During this process, case similarities and differences were noted. These findings were brought back to the interviewees to gather feedback, and a few revisions were made. A range of approaches were made in implementing RJ in these schools: one-on-one check-ins, mediation, mentoring, community building strategies, multi-forms of circles, and ongoing counseling. The six emerging themes to help RJ be implemented in schools are: centering on community

building, enhancing equity among the hierarchy, providing the necessary emotional support for staff, engaging in diversity, not adversity, and more student leadership in RJ.

### *Illinois*

The Illinois General Assembly, in 2015 passed Senate Bill 100, which mandates that schools first exhaust all appropriate and available behavioral interventions, such as RJ, Mindfulness, and Social-Emotional Learning, before using more punitive discipline of students for more than 3 days.

Henson-Nash (2015), analyzed disciplinary reports from two different school years; 2006/2007 under the zero-tolerance policy and 2008/2009 under RJ. In the RJ period, infractions were 83% lower, especially in the incidents involving physical aggression (84% reduction), disrespect (85% reduction), and possession of a look-alike weapon (100% reduction). Different researchers suggest Henson-Nash's decision to compare two different periods was a methodological choice that might have caused her to be biased on her estimates. Her results also suggested that the school shifted away from the zero-tolerance policy but not necessarily due to RJ.

### *Colorado*

Denver Public Schools (DPS) started a school-based pilot program in 2005 and expanded it district-wide in 2008. DPS is also committed to substantial professional development in interpreting discipline policies and protocols, restorative practices, and relationship-building approaches. Pre-post exposure analysis of the DPS restorative practices model found a 5% reduction in the overall suspension rate in 5 years. Gonzalez (2015) reports that restorative justice implementation generated a 53% decrease in office referrals from 2006-2007 to 2013-

2014. The suspension rate dropped from 10.6% to 5.6%, with concurrent drops for Black students (from 17.6% to 10.4%) and Latino students (from 10.2% to 4.7%).

### *California*

Districts in California that received Federal Safe and Supportive Schools funding were being encouraged to use their grants to implement restorative justice to improve school climate and reduce dependence on penalizing responses to student misbehavior like bullying, vandalism, and harassment. To help with discipline, the state of California has put in place suspension bans. Jian and colleagues (2014) looked at students in Oakland who participated in two restorative justice programs: Whole School Restorative Justice (WSRJ) and Peer Restorative Justice (Peer RJ). They noted that the students who were chosen for WSRJ had higher suspension rates than average. After 3 years, WSRJ students received statistically fewer suspensions than students in the district overall and fewer than students in Peer RJ (Fronius et al., 2016). Chronic absenteeism in middle schools, which executed restorative justice, experienced a drop of 24%, while schools that did not partake in the program experienced an increase of 62.3% during the same period. Jian et al. (2014) also report that 69% of staff believed that restorative justice had improved school climate, and 64% believed that it helped build caring relationships between teachers and students. Staff was about four times more likely to hold positive opinions than to believe it harmed climate or relationships. Parents' positive opinions resulted in 40% for improved school climate, and 28% believed RJ improved teacher-student relationships. Whereas 100% of principals believed that restorative justice improved school climate, and 92% of principals believed RJ improved teacher-student relationships. In their research, 67% of staff in schools applying RJ indicated that it helped students improve their social and emotional skills. Reading levels increased by 128% over 3 years, while non-restorative justice schools saw an increase of

only 11%. Graduation rates increased by 60% in restorative justice schools, compared to 7% for non-restorative justice schools. High school dropout rates decreased by 56% in RJ high schools and 17% for non-restorative justice high schools. More recent Oakland figures suggest continued success, with a 74% drop in suspensions and a 77% decrease in violence referrals during a two-year follow-up (Fronius et al., 2016).

In 2011-2012, Los Angeles School District modified its disciplinary policy by instilling suspension bans that prohibited suspensions for acts of willful defiance, non-violent behaviors, such as eye-rolling, tardiness, and talking back to their teacher. These were the most commonly used grounds for suspension for students of color, special education students, male and secondary school students. In 2014-2015, they implemented RJ principles and provided related training to schools to take the place of will-full defiance suspensions. These identified schools had the highest rates of suspension and the highest rate of black suspended students. Hashim et al.'s (2018) study focused on the suspension rates after the suspension ban and RJ implementation. The study drew on the school administrative data from the years 2003-2004 to 2014-2015. The data included 1.44 million observations of individuals enrolled in 785 schools. The information contained; student suspensions, gender, race and ethnicity, grade level, English language speakers, special education students (SPED), free reduced lunch (FRL), and students changing schools. The school data featured; enrollment, pupil-student ratios, the percent of FRL eligible, English language learners (ELL), and SPED. Next, they merged the data with school performance controls, low-performing schools, relief schools, and low-performance focus. Hashim et al. (2018) used an interrupted time series (ITS) framework to compare the post-treatment trend following the suspension ban and RJ. They found significant rates of decline in

suspensions following the suspension ban and reduced suspension gaps between frequently disciplined students versus their less disciplined peers.

Another study, completed by Katic et al. (2020), from a middle school in San Bernardino, reviewed the disciplinary data from two different time frames. Three years before the implementation of RJ and two years after RJ was adopted. The researcher used a Chi-squared analysis, which revealed the suspensions were significantly lower ( $p < .001$ ) after RJ's implementation than before the use of RJ. The suspension rate decreased by 40% from pre to post.

### *Pennsylvania*

West Philadelphia High School reports that “violent acts and serious incidents” dropped 52% in the first-year restorative justice was employed. An additional 40% drop followed this through the first half of year two (Fronius et al., 2019).

Augustine and colleagues (2018) of the RAND Institute conducted a Randomized Controlled Trial (RCT) of an initiative called “Pursuing Equitable and Restorative Communities” (PERC) that was implemented by the International Institute of Restorative Practices (IIRP). The authors reviewed outcomes during the 2015/16 and 2016/17 school years in 44 mid-sized, urban Pittsburgh Public Schools (22 implemented PERC, the remaining 22 were controls) serving students ranging from kindergarteners to 12th graders. Researchers used a regression framework to assess the impact of PERC after controlling baseline out measures and a suite of student, staff, and school-level factors. They estimated the PERC caused statistically significant ( $p < .05$ ) reductions in the number of days that students spent in out-of-school suspensions for the overall student population as well as for African American students, low-income students, students in grades 2-5 and grades 10-12, female students, and SPED students. PERC was responsible for a

16% drop in school-level suspension rates, decreased discipline disparities based on race (Black vs. White), and based on socioeconomic status. It also caused a statistically significant increase in PSAT scores for tenth-grade students, similarly significant decreases in the odds of students being placed in alternative school environments, and significant increases in teachers' assessments of school climate, school safety, professional environment, school leadership, and opportunities for teacher leadership. Less favorable results from the RAND study include insignificant effects on students' likelihood of being arrested, absent from school, and mobility (changing schools). The authors report PERC caused a significant reduction in elementary and middle school academic performance among Black students and reduced teacher classroom management with low percentages of Black students and schools with low-income students. IIRP interviewees attributed lower classroom management scores to the growing pains associated with shifting and mastering a new classroom management style and discipline. The researchers did not find a statistically significant link between restorative justice implementation and absenteeism in their 2-year RCT of 44 K-12 schools in Pittsburgh. Augustine and colleagues (2018) report that RJ caused a statistically significant increase in teachers' perceptions of school climate, school safety, and whether they understood school policies regarding student conduct. They also included improvements in teachers' perceptions about their working conditions, having leadership opportunities, and have been conducive to teaching and learning. Interviewees also stated that a 2-year window might have been too short for implementation because RJ typically takes about four years to realize desired outcomes. Augustine and colleagues' (2018) study did not find any relationship link between RJ implementation and absenteeism.

DeAntonio's (2015) study used data from the 2013/2014 school year from public schools. He compared data from 19 RJ schools whose staff had received training from the International

Institute of Restorative Practices before 2013 and another 19 schools with no RJ training. His method took one RJ school and compared it with another non-RJ school based on a matching formula. Each school was based on a point system depending on factors as; a percentage of low-income students was five points, and the urban-centric locale code was assigned one point. The resulting 19 matched pairs were then compared based on a: behavior triad that measured the sum of fighting incidents, incidents of disorderly conduct, and truancy rate. In turn, these were divided by each school's total population. Based on matched-pair t-tests, the report stated there was "no statistically significant difference in the frequency of behavior triad incidents between schools using RJ and not using RJ". Unfortunately, his dissertation was not peer-reviewed and could suffer from methodological flaws.

### *Maine*

Starting in the fall school year of 2014, Acosta et al.'s (2016) study was a 5-year, cluster-randomized controlled trial assessing RJ's fidelity of implementations, plus the effects of RJ on school environments, developmental outcomes, and problem behaviors in 14 middle schools. They matched schools on demographics, suburban and rural areas, academic and disciplinary data, randomizing them, so seven schools received Restorative Practices Intervention (RPI), and seven schools did not. Each school averaged about 250 students in Grades 6-8. The ethnic/racial background of the population is about 95% White, 2% Black, and 1% mixed or other. At the beginning of the school year, study staff met with school staff to outline the study. A parent/guardian letter was also sent home introducing the survey and giving them a chance to refuse their child's participation. Only 3% of parents/guardians opted not to participate. The schools also were given a series of supports in the form of tools to develop specific work plans, set benchmarks for proficiency, and monitor progress, e.g., implement circles daily. Consistent with

the process to enable whole school change, the participating schools received training and implemented the 11 essential practices. These 11 essential practices were to be used in daily life, procedures, and relationships. School staff and students were encouraged to use RJ to build relationships, resolve conflicts and interact with parents. This study was published in March 2019 in the *Journal of Youth and Adolescence*, and it found no significant difference in school climates between RJ and non- RJ schools.

### ***Minnesota***

Fronius (2019) cites a report from McMorris, Beckman, Shea, Baumgartner, and Eggert (2013), which had positive results from their study of the “Family Group Conferencing” model adopted in Minnesota. In this version, the offender and victim do not meet face-to-face in the conference (distinguished from most types of RJ conferencing). Instead, family members, school staff, and the offending student work together to develop a plan to ensure that the youth takes responsibility for their actions, enriches any harmed relationships, and takes steps to ensure that they do not make the same blunders in the future. The researchers reported decreased physical fighting and skipping school, improved problem solving, and increased school connectedness among conference participants in a six-week follow-up. Besides, those participants referred to the program experienced drop-in suspension rates, gains in attendance, credit accrual, and progression toward graduation in the year following the conferencing program’s implementation. Other schools in Minnesota with RJ training are similar, showing a decrease from 63% to 45% in suspensions.

Stinchcomb, Bazemore, and Reistenberg (2006) evaluated a three-year, school-wide restorative practice pilot conducted by the Minnesota Department of Children, Families, and Learning (DCFL). They focused on three St. Paul, Minnesota schools, Lincoln Center

Elementary, Kaposia Elementary, and South St. Paul Junior High School. Facilitators conducted circles to repair harm, foster empathy skills, and promote a statewide campaign to encourage violence alternatives. Their study found reductions in out-of-school suspensions in all three schools. The impact on in-school suspensions and behavioral referrals were vague; however, one elementary school saw reductions in both while the other saw increases (Stincomb et al., 2006). He surmised the disparity was due to teachers in the first school receiving additional professional development and working with a restorative practice planner to develop alternative disciplinary plans.

### ***Michigan***

Barkley (2018) describes office referrals per student increased over five years following RJs implementation in one middle school. His research is not peer-reviewed, and he notes issues that arose with the implementation of RJ. Staff received RJ training for the first two years; for the next three years, staff received little to no training. Only 33% of the original staff from year one remained in year five. The school also had administration turnaround changes during these five years.

A current study (Eisman, et al., 2020) in Flint, Genesee County, Michigan, is a cluster-randomized trial over two years. This study examines the overall effectiveness of interventions versus a control group of students going about their school practices. The researchers adopted a unique approach by integrating three evidence-based programs for interventions: RJ, Mental Health First Aid (MHFA), and Crime Prevention Through Environmental Design (CPTED). They have chosen 20 schools to participate in, and the intervention will take place in stages. The first year will have five intervention schools and five control schools. They will add the additional five intervention schools along with the remaining five control schools in year two.

The criteria to participate are: two grades between fourth and sixth grades, over 50% of the student's population must receive free/reduced lunches, being involved in Michigan's Integrated Behavior and Learning Support Initiative (MIBLSI), Positive Behavior Interventions & Supports (PBIS), and being committed to the study. There is an average of 180 fourth through sixth graders in each school, resulting in a sample size of 3,600 students in this study. Across Genesee County, school districts have adopted the use of a School Informational System (SIS), a program that collects, summarizes, and uses student discipline data to produce a standardized metric across all schools. The researchers will be using the SIS, focus groups, and teacher/student surveys to collect their data. To date, in 2021, the result of this study has not yet been published.

### ***Florida***

At the time of this study, Smithville Middle School (pseudonym) serves approximately 1,000 students in Grades 6 to 8. Researchers used a qualitative case study design for 5 months during the 2018-2019 school year—they collected data by three methods; interviews, observations, and review of documents. Through the data collection process, they used a coding system. The conclusion of their study resulted in five themes with multiple subthemes. The five themes are; different approaches, RJ activities, relationships, meaningful consequences, and expectations.

### ***Texas***

Ed White Middle School, located in San Antonio, was the study for Armour (2013), who evaluated the outcomes of RJ's approach to discipline and a community-building program. The criteria for this study were 225 sixth-graders where both genders were equally represented. The majority of the student population was Hispanic, 87 students identified as African-American, and 110 students identified as White. The staff consisted of 22 adults, five identified as male, and the

majority identified as non-Hispanic. The Institute for Restorative Justice and Restorative Dialogue (IRJRD) used a quasi-experimental procedure to evaluate restorative outcomes after one year of implementation. Pre-post quantitative measures included: in-school suspension (ISS), out-of-school suspension data, occurrences of specific behavior problems, and survey data measuring the extent RJ was used in each classroom each month of the school year along with student and parent/caregiver satisfaction. Qualitative data included interviews with a small group of staff to receive feedback on their experiences month-to-month with RJ. Ed White Middle School's professional development of RJ was a two-day training. The school also hired a consultant and created a Leadership Response Team (LRT) to oversee RJ programming. Staff was required to use RJ circles and check-in/check-out sessions. The LRT managed more serious discipline issues. Quantitative analysis revealed mixed results. The out-of-school suspensions decreased by 84%; 2011/12 = 66 suspensions; 2012/13 = 11. The opposite is true for partial ISS, which increased by 123%; 2011/12 = 75; 2012/13 = 167. Armour (2013) stated that the increase is due to the partial day ISS was simultaneous as RJ programming for students. Parents, teachers, and students filled out climate surveys, thus creating various results. Teacher's data of mean scores started low in the fall ( $M = 39.5$ ) while peaking in winter ( $M = 46.6$ ) and dropped in the spring ( $M = 42$ ). Parent score started low ( $M = 24.4$ ) with a continuous rise until the spring ( $M = 27.5$ ). The student responses started high ( $M = 31.9$ ), decreased in winter ( $M = 21.8$ ), increased again in the spring ( $M = 30.3$ ). The qualitative data was derived from focus group interviews. The interviewees revealed a majority of the staff abandoned RJ practices about halfway through the school year because the RJ program was too difficult to implement. Overall, the results showed mixed approval of how the school functioned and needed many RJ programming improvements.

Seventeen studies were chosen for review evaluating the effectiveness of restorative justice within schools. Table 1 presents these studies.

**Table 1**

*Studies Reviewed for Effectiveness of Restorative Justice Within Schools*

Authors	Study Design	Participants	Procedure	Findings
Center for Court Innovation Study 1 part of a larger study 2019	Qualitative	New York City 1 transfer high school 2 high schools 1 joint middle/high school 1 middle school Relatively small, and 4 were co-located with other large "campus" buildings.	Interviews w/ staff & school safety agents, focus groups w/guardians & parents Within-case analysis – data read & reread codes applied to data. Between-case analysis – themes & subthemes by compare/contrast	Offer 6 lessons that illuminate critical challenges & practical strategies for school-wide building RJ cultures.
Henson-Nash, 2015	Quasi-experimental	Illinois Public K-8 school	Analyzed disciplinary infraction rates between 2006/2007 & 2008/2009	RJ period resulted in 83% reduction overall, physical aggression was reduced by 84%, disrespect was reduced by 85%, possession of weapons or look-alike reduced by 100%
Baker, 2009	Quasi-experimental	Colorado, Denver School District	Use of restorative circles and conferencing	44% reduction in out of school suspensions, overall decrease in expulsions across 3 years after RJ
Gonzalez, 2015	Quasi-experimental	Colorado, Denver Public Schools	Pre and post data collection during a 5-year study	During RJ implementation, 55% decrease in office referrals. Suspensions dropped from 10.2% to 5.6%. Narrowing of the Black/White suspension gap by 4%.
Jian et al., 2014	Quasi-experimental	California Oakland United School District 22 middle schoolers, 10 high schoolers, and 18 staff from one middle school & 1 high school. 355 staff from 24 schools, peer interviews with 5 high school students. Data from 700 students in 2 RJ schools & 17,650 students in 33 schools.	Descriptive analysis using surveys, questionnaires and student-level data analysis, school-level analysis, case studies of success stories	Reduced ORD's, increased problem-solving skills, suspension reduction by 37%, Reduction of Black/White disciplinary disparities from 25% in 2011-2012 to 19% in 2012-2013
Hashim et al., 2018	Quasi-experimental	California, Los Angeles Unified School District	Review of discipline records following RJ implementation	Suspension rates for misconduct dropped for all measured categories of students.

**Table 1 (continued)**

Katic, 2017	Quasi-experimental	California San Bernardino Middle School	Reviewed disciplinary data using a chi-squared analysis	The suspension rate for post-implementation was significantly lower than pre-implementation ( $p < .001$ ). 40% decrease per-pupil suspension rate from pre to post.
Carroll, 2017	Quasi-experimental	California Merced 3 high schools	Implementation of facilitated restorative professional learning group (PLG)	Out of school suspensions - statistically significant reduction post-PLG. In-school suspensions reduced by 80% - post PLG
Augustine, et al., 2018	Quantitative	Pennsylvania Pittsburgh 44 urban public schools RCT	Using a regression framework to assess the 22 implemented Pursuing Equitable and Restorative Communities (PERC) and 22 control.	RJ implementation caused a 16% reduction in days lost to suspension. Statistically significant to certain subgroups; Black, low-income, female, special needs, 2-5/10-12 grades.
DeAntonio, 2015	Quasi-experimental	Pennsylvania 38 public schools (19 RJ, 19 non-RJ)	Compared & matched an RJ school with a non-RJ school. Behavior triad/school population Matched-pair t-tests	No statistically significant difference in the frequency of behavior triad incidents between RJ & non-RJ schools
Acosta et al., 2016	Quasi-experimental	Maine 14 middle schools	5-year cluster-randomized control trial assessing the implementation of RJ; observation and survey to students and staff	The intervention did not yield significant changes in treatment schools. Students reported significantly improved school climate, peer attachment, reduced cyberbullying victimization
McMorris et al., 2013	Qualitative	Minnesota 3 elementary schools, 1 junior & 1 senior high school district	Family Group Conferencing, victim and offender do not meet face to face in the conference.	The decrease in physical fighting and truancy increased school attendance.
Stinchcomb et al., 2006	Qualitative	Minnesota 2 elementary schools and 1 junior high school	Case study; used school data pre and postimplementation of RJ and information from observations, interviews, and focus groups with school staff	Across 3 years of using RJ, physical aggression acts drastically declined from 773 to 153 incidents; out-of-school suspensions dropped, and daily attendance increased 85%.
Eisman et al., 2020	Quasi-experimental	Michigan Flint, Genesee County	SIS, Student/teacher interviews, focus groups	Results are still pending when this paper was written.
Barkley, 2018	Quasi-experimental	Michigan 1 Middle School	Reviewed office discipline referrals	Increased per student over a 5-year span
University of Florida School of Human Development and Organizational Studies in Education, 2020	Qualitative	SE United States (Gainesville, Florida) Smithville Middle School (pseudonym)	Interviews, observations, review of documents	5 Themes emerged Different approaches, RJ activities, relationships, meaningful consequences, and expectations

**Table 1 (continued)**

Armour, 2013	Quasi- experimental	Texas San Antonio, Ed White Middle School	Records review, teacher interviews, data analysis	84% drop in out of school suspensions, 19% decrease in all suspensions
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### **Chapter III: Conclusions and Recommendations**

The purpose of this research paper was to see if data supports restorative justice as an effective alternative to traditional school discipline. Chapter I provided background information on the topic and Chapter II presented a review of the 17 studies of research literature. In this chapter, I will discuss findings, limitations and recommendations, implications for current practice, and the summary.

#### **Conclusions**

The findings from the 17-studies literature review indicate that RJ is an effective alternative to traditional discipline policies. Out of the 17 studies, 11 quasi-experimental studies found RJ practices reduced; office behavioral referrals, out-of-school suspensions, physical aggression situations, truancy, and decreased the sub-group disparities. Two quantitative studies already had some form of RJ implementation in place. These studies had findings of themes for RJ to be more successful. The emerging themes are: centering on community building, enhancing equity among the hierarchy, providing the necessary emotional support for staff, engaging in diversity, not adversity, and finally more student leadership.

Finally, three qualitative studies had mixed results. In a study by Eisman (2020), the findings were still pending when this paper was written. DeAntonio's (2015) study found no statistically significant difference in the frequency of behavior triad incidents between RJ and non-RJ schools. Second, the study by Barkley (2018), reviewed office discipline referrals. The findings was an increase per student over five years. Third, is a study from Acosta et al. (2016) in Maine, concluded RJ intervention did not yield significant changes in treatment schools. The promising results reported across these informative studies lay the groundwork for more

thorough experimental tests of restorative justice. Most of the research in the last decade would not meet evidence-based registries' standards in education or justice.

### **Limitations/Recommendations for Future Research**

RJ's emphasis is placed on building relationships and student development. RJ has three basic components; harm is a violation of people and relationships, violations create obligations, justice involves victims and offenders to put things right. Restorative justice does not respond to questions of power, class, and gender; instead, it focuses on the individual pathology of a wrongdoer and without questioning how a person comes to be identified as the victim or offender. Researchers argue that by giving people, particularly students, a voice in the decision-making routine justice process, they will view recognized power as legitimate and fairer. Advocates indicate they do not intend to minimize the harm caused by each of these behaviors but argue a restorative justice response would bring together the parties to discuss what caused the harm and what can be done to restore the status of the offending student within the school.

There are several common limitations researchers have found with RJ. The first is the limited casual research. Many studies are expressive or use a pre-post, before, and after evaluation design. Such designs are low in internal authenticity due to the lack of a control/ comparison group, (only those who are exposed to the program), and the study is only of the participants (single group design), resulting in low internal validity.

The second limitation is the required shift in thinking on educators and administrators, alternating their views about their relationships with others and their behavior. Therefore, it is important that schools understand, plan, and strategically manage the change process to succeed. Shifting attitudes away from punishment may take one to three years, and the deep shift to a restorative-oriented school climate might take to three to five years.

The third limitation is the racial discipline disparities between groups and subgroups. Most of the research has focused on Black students. The racial threat is a hypothesis that is associated with countless forms of disciplinary social control in both the criminal justice system and schools. Data has shown, a school that has a higher proportion of Black students decreased the odds of RJ and instead, use stricter precautionary and punishment tactics in response to student misbehavior. Previous research shows schools with a greater percentage of Blacks are less apt to employ mild discipline in favor of harsher restrictions. It is recommended that researchers broaden their focus to other subgroups, (i.e., Hispanic, Native American, Asian American, Sexual Orientation, SPED Students). Researchers sense that some of the discipline disparities are caused by a disconnect between educators and students. Therefore, it leads to an ineffective relationship between schools and communities.

Several studies have found the fourth limitation to be time constraints: time to prepare, time to learn, and time to train educators. Teachers are often required to perform duties beyond their job description, such as attending RJ training, conducting circles during instruction time, and spending time connecting one on one with students. In some instances, problems or issues that should be resolved with more resources or staff are given to the educators or students who have some familiarity with RJ. A critical piece to sustaining long term is for a district to integrate the RJ approach into its formal policies and procedures, creating a strong professional development process with continued training opportunities for staff. Researchers have found professional development that allows teachers to integrate what they learn into their daily routine instead of receiving a one- or two-day training, resulted in better outcomes: preparation and experience. Teachers who did not receive follow-up support across time stopped fully implementing the program or discontinued it altogether.

The fifth limitation involves a concrete definition of restorative justice and how to implement it. In the last decade, more states have adopted RJ as part of their discipline school policy. There is little guidance on methods how to implement RJ in schools. Control school groups implement some RJ elements on their own, while treatment schools can struggle to adopt the whole program. This is a challenge to researchers because many students and teachers make decisions beyond the researcher's control. "It is like comparing the effectiveness of flossing between a person who agreed to floss every day but doesn't and a person who didn't commit to flossing but is doing it anyway" (Barshay, 2019, p. 6). A handbook of actions that describes RJ accountability has been suggested, but the field of Restorative Practices in Education (RPE) has rejected the suggestion for several reasons. The most important reason, it has to be appropriately orientated to have the best effect. RPE states a handbook of possible choices is not comparative. Therefore, it would lose focus on the development of how the action plan was developed and executed. Since research shows that the success of a plan rests on the awareness of procedural fairness by those harmed and those responsible for the harm, bypassing that process undercuts the plan's success. The development of action plans requires trial and error learning, working with various participant ideas to reach consensus, and space for exploration.

Staff also expressed these concerns with RJ; some have issues with voluntary student participation, confidentiality issues between participants, (especially or mandated reporting requirements), and a general lack of staff buy-in. Educators might be resistant to RJ because it might be perceived as being too lenient on some student offenses. Their views include not enough support after initial training during professional development training and not enough trained professionals in their school.

### **Implications for Current Practice**

Being in the education field, I continually try to find strategies that work well with EBD students to meet their needs. I have used restorative justice with my elementary special education students (EBD, ASD, DMDD) and I have found it was one of the best strategies for building character education. By sticking to RJ practices consistently, it gave my students a sense of community and ownership. Students liked the structure, and I liked the way it shifts responsibility to students, to be held accountable for their actions. In my experience, students had less severe physical outbursts, it gave them more self-confidence and the skills they needed to belong to the classroom.

### **Summary**

The educational world has seen many different approaches to school discipline in the last decades. RJ strategies are one of the current approaches used on the discipline bandwagon. Amstutz states “We like quick fixes, but I do not think that in any way creates systemic change. There is danger that schools are doing the same thing they were doing before and just using different language” (as cited by Morrison, 2015, p. 8). We now know that zero-tolerance movements in our schools are not the answer; therefore, we need to have collaborative efforts across many participants to shift toward an RJ template for all students.

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