



Texas Association of School Boards

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Restorative Practices: A New Approach to Student Behavior

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Eric walks into school on Monday morning, tired from a stressful weekend. Looking down at his feet, Eric accidentally bumps into Jonathan, who pushes Eric to the ground. A fight ensues. Students on their way to class stop to watch as the two boys tumble into the walls, knocking down student artwork. An assistant principal pulls the boys off of each other and tells the other students to keep moving.

Traditionally, Eric and Jonathan would receive a three-day suspension (the maximum allowed by law)¹, after which the boys would return to class without ever having to talk with an adult about what happened.

But this school is taking a different approach. On the morning after the fight, a restorative discipline coordinator holds individual *pre-conferences* with Eric and Jonathan to ask if the boys are willing to meet in a *restorative conference* to discuss what can be done to *repair the harm* from the fight. The coordinator explains to the boys that these conferences are not a punishment, but rather a way to make *amends*. Both boys agree to meet.

Eric asks if his soccer coach can come to the restorative conference for support, while Jonathan asks to bring his math teacher. During the conference that afternoon, Eric and Jonathan both express a need for an apology. They do not want to become friends, but they agree to avoid each other in the hallways and to leave each other alone. They also accept responsibility for knocking down the student artwork. At the end of the conference, everyone signs a *written contract* to acknowledge that the boys have apologized and to document their agreement to help put the artwork back up and to avoid future altercations. The coach and math teacher agree to support the students in complying with their contract.

The boys then return to class.

Which approach is more likely to teach Eric and Jonathan to take responsibility for their actions? Which approach is less likely to interrupt their educational opportunities? Which approach is more likely to prevent another fight?

¹ Tex. Educ. Code § 37.005.

Increasingly, Texas educators are choosing alternative approaches to student behavior. While traditional discipline focuses on punishment, restorative practices seek to mend the harm that results from problematic behavior and to prevent future harm. Methods of traditional discipline usually culminate in removing a student from the classroom. In contrast, restorative practices emphasize the impact of student behavior on the school community and use community ties to hold students accountable.

What is exclusionary discipline? Exclusionary discipline refers to disciplinary placements that remove a student from his or her regular classroom assignment, such as suspension, placement in a DAEP, or expulsion.

What are restorative practices? As defined by Marilyn Armour, Ph.D., Director of the Institute for Restorative Justice and Restorative Dialogue, restorative practices are “a relational approach to building school climate and addressing student behavior. The approach fosters belonging over exclusion, social engagement over control, and meaningful accountability over punishment.”

Impact of law and policy on student discipline

Texas law permits, and, in some cases, requires, the use of *exclusionary discipline*. Chapter 37 of the Texas Education Code provides that certain offenses result in a mandatory removal to a disciplinary alternative education program (DAEP) or a mandatory or permissive expulsion.²

In the interests of fairness, student codes of conduct are typically designed to ensure that misconduct results in predictable consequences. If applied mechanically, however, this system can have unintended consequences. A 45-day placement in DAEP may be appropriate for a high school student who understands the consequences of her actions but not a younger student. In addition, certain forms of discipline impact certain students differently. Students who have experienced trauma, such as students in foster care or students who have been abused or neglected, are particularly vulnerable to psychological harm as a result of restraint and corporal punishment. Critics of traditional discipline have also noted that the punitive model bears an undesirable resemblance to the criminal justice system, is prone to bias, and may lead to disproportionate removals of minority students, male students, and students with disabilities.³

Moreover, a “one size fits all” approach to discipline does not comply with state law. Texas schools are required to consider certain mitigating factors (self-defense, intent, disciplinary history, homelessness, foster care status, and disability) prior to placing a student in out-of-school suspension, a DAEP or juvenile justice alternative education program (JJAEP), or

² Tex. Educ. Code §§ 37.006, .007, .0081.

³ Texas Appleseed, [Suspended Childhood: An Analysis of Exclusionary Discipline of Texas’ Pre-K and Elementary School Students](#) (Apr. 5, 2017); [Dangerous Discipline: How Texas Schools are Relying on Law Enforcement, Courts, and Juvenile Probation to Discipline Students](#) (Dec. 14, 2016).

expulsion, *regardless of whether the decision is categorized as mandatory or permissive*.⁴ In addition, state law prohibits out-of-school suspension for students below grade three and students who are homeless (with exceptions for drugs, alcohol, weapons, and violence).⁵

The law does not require school districts to use restorative practices, but some districts in Texas have found compelling reasons to voluntarily adopt a new approach.

Restorative practices in Texas

When restorative practices are implemented consistently, schools see “improved relationships on campus, increased student accountability for misbehavior, and dramatic reductions in rates of suspension, expulsion, and criminal referrals.”⁶ Administrators in districts that have implemented restorative practices can speak to its impact on disciplinary removals and school culture. For example, Trudy Bender, District Behavior Intervention Coordinator for Waco ISD, saw suspensions decrease 42% district-wide after implementing restorative practices on several campuses.⁷ According to Principal Ed Love, Waco High School assistant principals were able to provide more support in the hallways and classrooms because of the decrease in disciplinary referrals and related paperwork. Dallas ISD saw similar trends with its restorative practices pilot program, which reduced disciplinary removals in eleven middle schools by 45%, and in ten elementary schools by 61%. Dallas ISD has gradually expanded its program each year, making it the largest school district in Texas to use restorative practices in 2017-18.

The Texas Education Agency (TEA) also supports restorative practices. Through a partnership between TEA and the Institute for Restorative Justice and Restorative Dialogue (IRJRD) at the University of Texas at Austin, 1,400 administrators and 400 coordinators obtained training on restorative practices in the fall of 2016.

How to implement restorative practices

Step 1: Do your homework. Read books or articles to build a deeper understanding. Contact your service center. Visit campuses where restorative practices are being implemented, and ask about their successes and obstacles.

Step 2: Review your current policies and resources. If campus or district policies and procedures do not align with restorative practices, changes may be necessary. Note that restorative practices should remain optional, as the best results have come from a ground-up approach,

⁴ Tex. Educ. Code § 37.001(a)(4).

⁵ Act of June 12, 2017, 85th Leg., R.S., H.B. 674 (adding Tex. Educ. Code §§ 37.0013, .005(c)).

⁶ Heather T. Jones, *Restorative Justice in School Communities: Successes, Obstacles, and Areas for Improvement*, The Institute for Restorative Justice and Restorative Dialogue (Dec. 29, 2013).

⁷ Telephone interview with Trudy Bender, District Behavior Intervention Coordinator, Waco ISD (June 26, 2017).

rather than top-down, and may be offered as an alternative to, or in conjunction with, traditional consequences. Also, consider your budget. Implementing restorative practices typically takes three to five years and requires ongoing funding for training and supports.

Step 3: Assess staff and leadership interest. Implementing restorative practices requires commitment at all levels. Consider a book study to initiate teacher interest. Dr. Gaye Lang, the Director of School Turnaround/Restorative Discipline Practices for TEA, emphasizes, “Restorative discipline practices is a process, not a program. You cannot edict a person to be in a relationship; he has to want it.”

Step 4: Hire or appoint a coordinator to assist the campus with implementation and application of restorative practices. Experts recommend that the coordinator have connections with different members of the school community—administrators, teachers, students, staff, parents, and community members—in order to assist and provide constructive feedback when necessary. Where creating a new position is not an option, schools have appointed an assistant principal or campus behavior coordinator in this role.

Step 5: Complete the necessary training and planning. Expert training will equip the coordinator to educate school staff on restorative practices. In addition to teachers, consider training security officers, school nurses, counselors, bus drivers, parents, and local organizations involved with the school, such as before- and after-school care programs.

Step 6: Empower the staff. Hold regular discussions about restorative practices. Have the coordinator be available to answer questions, help facilitate classroom circles, and address the dynamics between teachers and administrators as your community begins to experience restorative practices in action. Be prepared for resistance. Experts emphasize the importance of a homegrown approach: staff must feel empowered to make adjustments to fit their campus.

Step 7: Revisit and revise your practices. Educators accustomed to traditional methods of discipline can easily fall back into old habits, especially if district support for restorative practices is inconsistent. The experience of school officials in some districts have indicated that, while school climate generally improves after adopting restorative practices, teachers in the subsequent years of implementation may require mentoring to address confusion and to build trust between teachers and administrators regarding responsibility for student behavior.

Resources

- The TEA [Restorative Discipline Practices in Texas](#) website includes training dates and the Restorative Discipline Practices Fidelity Continuum Scale
- The [IRJRD](#) website also includes training dates and other resources

- The [Texas Behavior Support Network](#) through the Region 4 Education Service Center provides information about training and other resources for implementing school-wide positive behavior interventions and supports (PBIS)

This document is continually updated, and references to online resources are hyperlinked, at tasb.org/Services/Legal-Services/TASB-School-Law-eSource/Students/documents/restorative-practices.pdf. For more information on this and other school law topics, visit TASB School Law eSource at schoollawesource.tasb.org.

This document is provided for educational purposes only and contains information to facilitate a general understanding of the law. It is not an exhaustive treatment of the law on this subject nor is it intended to substitute for the advice of an attorney. Consult with your own attorneys to apply these legal principles to specific fact situations.

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