RESTORATIVE DISCIPLINE: WHY YOU SHOULD LOOK INTO THIS

Presented by:

JIM WALSH
WHAT IS “RESTORATIVE DISCIPLINE”?

- A paradigm shift in how we think about student discipline.
- An offshoot of “Restorative Justice” in the criminal justice system.
- An alternative to “exclusionary” discipline. Not a replacement, but an alternative.
- Not a quick or easy fix.
- Something you need to learn about.
PARADIGM SHIFT: FROM THIS.....

- In the traditional system of student discipline we ask:
  - What rule was broken?
  - Who did it?
  - What is the punishment?
PARADIGM SHIFT: TO THIS...

- Restorative Discipline asks:
  - What happened?
  - Who has been affected?
  - What are we going to do to make things right?
PARADIGM SHIFT: WHAT DOES ACCOUNTABILITY MEAN?

- **Traditional**: Accountability means the student who broke the rule is punished.

- **Restorative**: Accountability means the student who caused harm comes to understand the harm caused and has the duty to repair the damage to the relationship.
PARADIGM SHIFT: WHO ARE WE FOCUSING OUR ATTENTION ON?

- **Traditional**: We focus on the student who broke the rule, and often ignore those who have been harmed.

- **Restorative**: We focus on all parties, and give voice to all parties—the student who caused harm, the person harmed, and the school.
PARADIGM SHIFT: WHAT ARE WE FOCUSED ON?

- **Traditional**: We focus on equal enforcement of our rules. Consistency in how we respond to student misconduct.

- **Restorative**: We focus on the desired outcome for all parties—the person harmed is heard from; the student who caused harm understands the harm done and takes responsibility for repairing the damage. The relationship is restored.
PARADIGM SHIFT: OPPORTUNITIES

- **Traditional**: The student who broke the rule has little opportunity to express remorse or make amends.

- **Restorative**: The student who caused harm has the opportunity to directly express remorse and directly make amends—in short, to contribute to the restoration of the relationship.
PARADIGM SHIFT: HOW WE LEARN

- **Traditional**: The student will learn better behavior from the punishment itself. “That’ll teach him!”

- **Restorative**: The student will learn a better way to behave if we teach it directly, and will not learn from punishment alone.
CONSIDER THIS...

- “Traditional discipline works well for traditional kids from traditional families with traditional values.” Kevin Curtis, Assistant Principal, Ed White Middle School, North East ISD, San Antonio.

- The percentage of “traditional kids” is on the decline.
IT COMES FROM THE CRIMINAL JUSTICE SYSTEM

- Restorative Justice is a set of principles and practices that are increasingly being used in the criminal justice system.

- Our traditional model of student discipline is based on the criminal justice system. The code of conduct is like the Penal Code. The DAEP is like a jail. We “sentence” kids for periods of time. So it makes sense that we would also model “restorative” practices.
Restorative Discipline practices do not replace the use of traditional forms of student discipline. Suspension, DAEP, ISS all remain available.

Restorative Discipline offers an alternative way of dealing with misconduct when people are willing.

And it offers hope that school climate will improve to the point that misconduct decreases.
NOT A QUICK OR EASY FIX

- Restorative Discipline is a radically different way of dealing with student discipline issues.
- It requires total buy-in from administration and teachers.
- It is time consuming.
- It requires teachers to relinquish some elements of control.
- Or the illusion of control???
WHY LEARN ABOUT THIS?

- Because the traditional “tools” of student discipline are going away.
- Because R.D. leads to development of the ultimate “career readiness” skillset.
- Because it will get you back to doing what educators are supposed to do: teach, inspire, build community.
- Let’s take up each of those three in more detail......
TRADITIONAL TOOLS ARE GOING AWAY

- Law and policy continue to pressure schools to rely less on the traditional tools of discipline.
- The latest: the OCR view on “exclusionary discipline.” OCR specifically encourages “restorative practices” as an alternative.
“Schools also violate Federal law when they EVENHANDEDLY implement FACIALLY NEUTRAL policies and practices that, although NOT adopted with the INTENT to discriminate, nonetheless have AN UNJUSTIFIED EFFECT OF DISCRIMINATING AGAINST STUDENTS ON THE BASIS OF RACE. The resulting discriminatory effect is commonly referred to as ‘disparate impact.’”
HOW DO THEY DETERMINE THAT? THREE QUESTIONS: #1

- Has your discipline policy RESULTED in an ADVERSE IMPACT on students of a particular race? This will largely (almost entirely) be based on statistics.

- If the statistics show a “disparate impact,” the analysis moves on to Questions #2 and 3.
QUESTION #2

- “Is the discipline policy NECESSARY to achieve an IMPORTANT educational goal?”

- The Department will “consider both the importance of the goal that the school articulates and the TIGHTNESS OF THE FIT between the stated goal and the means employed to achieve it.”
QUESTION #3

- “Are there comparably effective alternative policies or practices that would meet the school’s stated educational goal with less of a burden or adverse impact on the disproportionately affected racial group, OR is the school’s proffered justification a pretext for discrimination?”

- If the answer to either of those questions is “yes” then you have discriminated.
IMPLICATIONS OF ALL THAT?

- This framework provides OCR with the opportunity to second guess educators about 1) the relative importance of educational goals; and 2) the strategies designed to achieve those goals.

- You can be found guilty of racial discrimination without any intent on your part, but simply 1) your statistics are bad; and 2) OCR thinks there is a better way.

- OCR thinks R.D. is a better way.
CAREER READINESS?

- What employers want most in employees is the ability to work with a diverse group of co-workers and customers in a high stress atmosphere.
- That’s what middle school is.
- Restorative Discipline teaches kids the ultimate “career-ready” skillset.
EDUCATORS BEING EDUCATORS

- Do you want to process student discipline cases more efficiently?
- Or have genuine and authentic relationships with the students you serve?
- What teacher inspired you the most?
- Why? Wasn’t it because of the relationship? The caring?
West Philadelphia High School reduced violent acts and serious incidents by 52% in 2007-08 and an additional 40% the next year.

An alternative high school in Oakland, California had zero suspensions in 2012-13 and graduated all students.
WHAT’S GOING ON IN TEXAS?

- Ed White Middle School in San Antonio (North East ISD): three-year pilot project incorporating Restorative Discipline.
- UT School of Social Work has an Institute for Restorative Justice and Restorative Dialogue that is supporting the pilot project.
AFTER TWO YEARS AT ED WHITE....

- ISS was down 52% for the RD Pilot group;
- OSS down 50%;
- Stars of distinction from TEA for English, math, social studies; and for ranking in top 25% for improved student progress;
- 2nd in Texas for improved student progress among middle schools with similar demographics;
- This despite 68% mobility for the year.
“Although there is recognition of exceedingly challenging students, some of whom are unresponsive to RD, teachers are less critical of RD as non-productive and instead request more intensive RD interventions or view the issues as related to a student’s lack of maturity. Teachers report less need for RD interventions because their classrooms are calmer and teachers are able to respond quickly to students whose behavior is becoming disruptive.” RD Evaluation 2013/14.
WE WILL KNOW THAT RESTORATIVE DISCIPLINE IS HAVING AN IMPACT....

- When we start referring to it as “R.D.”
WEBSITES

- Just google it and see what happens.
- The Little Book of Restorative Discipline for Schools.
- http://www.utexas.edu/research/cswr/rji/rdinschools.html
The information in this handout was prepared by Walsh Gallegos Treviño Russo & Kyle P.C. It is intended to be used for general information only and is not to be considered specific legal advice. If specific legal advice is sought, consult an attorney.