

# Assessing the Implementation of Restorative Justice in Education in Utah after HB 239

## Recommendations for the Utah Board of Juvenile Justice

September 2019



SORENSEN  
IMPACT



# TABLE OF CONTENTS

<b>Acknowledgements</b>	<b>3</b>
<b>Introduction</b>	<b>4</b>
<b>Methodology</b>	<b>6</b>
<b>Legislative Landscape Scan</b>	<b>7</b>
Legislative Definitions of Restorative Justice	8
Legislative Direction for Use of Restorative Justice in Schools	8
RJ as Preferred Option	8
Training requirements	9
Legislative Appropriation or Alternate Funding Routes for the Implementation of Restorative Justice	9
Legislative Appropriation	9
School District Appropriation	10
Grants	10
Taxes	11
<b>Statewide Online Survey</b>	<b>12</b>
Overview	12
Results: Education	12
Results: Justice System Stakeholders	16
Conclusions & Next Steps	16
<b>Summary of Needs Assessments</b>	<b>17</b>
Existing Assets	17
Common Challenges and Associated Needs	18
Recommended Action Steps	20
Conclusion	21
<b>References</b>	<b>23</b>
<b>Appendix A</b>	<b>26</b>
Legislative Definitions of Restorative Justice	26
<b>Appendix B</b>	<b>28</b>
Stakeholder Interview Protocol	28
<b>Appendix C</b>	<b>31</b>
Implementation Guides, Books, and Literature Reviews	31

# Acknowledgements

This report was developed by the Sorenson Impact Center at the University of Utah's David Eccles School of Business.

Sorenson Impact works with public, nonprofit, and private sector stakeholders to develop, structure, and mobilize capital for innovative and data-driven approaches to difficult social and public health challenges. This report was authored by Jennifer Molloy, Caroline Ross and Jolyn Metro.

This work benefited from the partnership of The Utah Board of Juvenile Justice, the Utah State Board of Education, the Ogden City School District, the North Sanpete School District, the South Sanpete School District, and the Uintah School District.

This project was supported by Grant No. 2016-JFFX-0050 awarded by the Bureau of Justice Assistance and the Utah Commission on Criminal and Juvenile Justice Grant number 16J14. The Bureau of Justice Assistance is a component of the Department of Justice's Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the SMART Office. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.

For more information about this report, contact Caroline Ross at [caroline.ross@sorensonimpact.com](mailto:caroline.ross@sorensonimpact.com).

# Introduction

## Why Restorative Justice in Education?

Across the nation, school districts, their stakeholders, and policymakers have become increasingly concerned about the negative short- and long-term consequences on students of punitive and exclusionary disciplinary practices, often called zero-tolerance policies. Research consistently demonstrates that students of color disproportionately bear the burden of zero-tolerance policies, including facing suspensions, expulsions, referrals to law enforcement and arrests in school at higher rates than their white peers.<sup>1</sup> Restorative justice in education (RJE) is emerging as a promising alternative to these practices for its ability to improve student behavior and to improve school climate, culture, and safety.<sup>2</sup>

**RJE is not a program, strategy, or tool but rather a values-based approach to understanding and implementing a relational school culture that transforms schools into places where educators, students, and staff feel safe, trusted, and accepted.** In order to effectively implement RJE, schools must intentionally infuse a restorative approach into all interactions and relationships within the school in addition to its policies, procedures, and structures. Restorative practices are both proactive (i.e., community building circles, collective creation of classroom norms, social and emotional learning) and responsive (i.e., harm and repair circles, problem solving activities). RJE aims to create a culture of care that advances student development, growth, learning, and empowerment.<sup>3</sup> It is worth mentioning that there are a handful of programs and practices that are sometimes confused with restorative practices, including youth/peer courts, but are not consistent with the RJE framework as youth/peer courts and similar programs are often focused on a reactive response to rule-breaking rather than a proactive approach to community-building. Schools and districts should consider whether a practice is aligned with the underlying principles and values of RJE when making implementation decisions.

When RJE is implemented with fidelity to its underlying principles and values, this approach has been shown to decrease student misbehavior and school discipline incidents;<sup>4</sup> improve school climate, culture, and safety;<sup>5</sup> improve attendance and absenteeism;<sup>6</sup> reduce racial disparities in disciplinary actions;<sup>7</sup>

<sup>1</sup> Daniel J. Losen, "Discipline Policies, Successful Schools, Racial Justice, and the Law," *Family Court Review* 51, no. 3 (August 2013): 388-400; Russel J. Skiba, Robert S. Michael, Abra Carroll Nardo, and Reece L. Peterson, "The Color of Discipline: Sources of Racial and Gender Disproportionality in School Punishment," *The Urban Review* 34, no. 4 (2002): 317-342.

<sup>2</sup> Trevor Fronius, et al., "Restorative Justice in U.S. Schools: An Updated Research Review," WestEd Justice & Prevention Research Center, March 2019.

<sup>3</sup> Tom Cavanagh, Patricia Vigil, and Estrellita Routledge Garcia, "A Story Legitimizing the Voices of Latino/Hispanic Students and their Parents: Creating a Restorative Justice Response to Wrongdoing and Conflict in Schools," *Equity & Excellence in Education* 47, no. 4 (Nov 2014): 565-579.

<sup>4</sup> Marilyn Armour, "North East Independent School District: Ed White Middle School Restorative Discipline Evaluation: Implementation and impact, 2012–2013 sixth grade," *The Institute for Restorative Justice and Restorative Dialogue*, The University of Texas at Austin, 2013; Myriam Baker, "DPS Restorative Justice Project: Year three.," Denver, CO: Denver Public Schools, 2009; Cara Suvall, "Restorative Justice in Schools: Learning from Jena High School," *Harvard Civil Rights-Civil Liberties Law Review*, 44, (2009): 547-569; Catherine H. Augustine, et al., "Can Restorative Practices Improve School Climate and Curb Suspensions? An Evaluation of the Impact of Restorative Practices in a Mid-Sized Urban School District," *RAND Corporation*, 2018.

<sup>5</sup> Augustine, "Can Restorative Practices Improve School Climate"; Thalia González, "Keeping Kids in Schools: Restorative Justice, Punitive Discipline, and the School to Prison Pipeline," *Journal of Law and Education* 41, no. 2

improve perceptions of procedural justice;<sup>8</sup> and improve academic outcomes including 4 year graduation rates, dropout rates, and reading levels.<sup>9</sup> For a thorough review of the extant literature on the impact of restorative justice in U.S. schools see Fronius et al. (2019), "Restorative Justice in U.S. Schools: An Updated Research Review."

RJE, implemented school-wide, constitutes an evidence-based approach to address the shortcomings of traditional discipline systems. A compelling body of research demonstrates the efficacy of restorative practices in addressing a number of important juvenile justice and educational outcomes, such as reductions in suspension and expulsion;<sup>10</sup> improvements in school climate and culture;<sup>11</sup> improved student behavior (such as disciplinary referrals, suspensions, expulsions); reductions in repeat offending;<sup>12</sup> reduced racial disparities in disciplinary actions;<sup>13</sup> and improved academic outcomes.<sup>14</sup> As a result, many schools are eagerly exploring and implementing RJE and looking to state leadership to provide guidance, training, and resources.

As part of our consideration and analysis of restorative justice in school districts across Utah, we chose to use the RJE framework. RJE is a term used within the field of restorative justice that acknowledges the values, philosophy, theory, and practices of RJ specific to the school environment. RJE includes "restorative justice practices," "restorative practices," and "restorative justice" in the school environment.

---

(April 2012): 281-335; Barbara J. McMorris et al., "Applying Restorative Justice Practices to Minneapolis Public Schools Students Recommended for Possible Expulsion," *University of Minnesota Prevention Research Center*, December, 2013; Laura Mirsky, "SaferSanerSchools: Transforming School Cultures with Restorative Practices," *Reclaiming Children and Youth* 16, no. 2 (Summer 2007): 5-13.

<sup>6</sup> Myriam Baker, "DPS Restorative Justice Project: Year three.," Denver, CO: Denver Public Schools, 2009; Sonia Jain, Henrissa Bassey, Martha A. Brown, and Pretty Kalra, "Restorative Justice in Oakland Schools Implementation and Impacts: An Effective Strategy to Reduce Racially Disproportionate Discipline, Suspensions and Improve Academic Outcomes," *Data in Action*, September 2014.

<sup>7</sup> Anne Gregory and Kathleen Clawson, "The Potential of Restorative Approaches to Discipline for Narrowing Racial and Gender Disparities." In *Inequality in School Discipline*, edited by Russell J. Skiba, Kavitha Mediratta, and M. Karega Rausch, 153-170. New York: Palgrave Macmillan, 2016; Claudia G. Vincent, et al., "School-wide Positive and Restorative Discipline (SWPRD): Integrating School-wide Positive Behavior Interventions and Supports and Restorative Discipline," in *Inequality in School Discipline*, edited by Russell J. Skiba, Kavitha Mediratta, and M. Karega Rausch, 115-134. New York: Palgrave Macmillan, 2016.

<sup>8</sup> Vincent et al., "School-wide Positive and Restorative Discipline."

<sup>9</sup> Jain et al., "Restorative Justice in Oakland Schools."

<sup>10</sup> Marilyn Armour, "North East Independent School District: Ed White Middle School Restorative Discipline Evaluation: Implementation and impact, 2012–2013 Sixth Grade," *The Institute for Restorative Justice and Restorative Dialogue*. The University of Texas at Austin, 2013.

<sup>11</sup> Thalia González, "Keeping Kids in Schools: Restorative Justice, Punitive Discipline, and the School to Prison Pipeline," *Journal of Law and Education* 41, no. 2 (April 2012): 281-335; Barbara J. McMorris et al., "Applying Restorative Justice Practices to Minneapolis Public Schools Students Recommended for Possible Expulsion," *University of Minnesota Prevention Research Center*, December, 2013; Laura Mirsky, "SaferSanerSchools: Transforming School Cultures with Restorative Practices," *Reclaiming Children and Youth* 16, no. 2 (Summer 2007): 5-13.

<sup>12</sup> Jon Kidde and Rita Alfred, "Restorative Justice: A Working Guide for our Schools," *Alameda County School Health Services Coalition*, 2011.

<sup>13</sup> Anne Gregory and Kathleen Clawson, "The Potential of Restorative Approaches to Discipline for Narrowing Racial and Gender Disparities." In *Inequality in School Discipline*, edited by Russell J. Skiba, Kavitha Mediratta, and M. Karega Rausch, 153-170. New York: Palgrave Macmillan, 2016; Claudia G. Vincent, et al., "School-wide Positive and Restorative Discipline (SWPRD): Integrating School-wide Positive Behavior Interventions and Supports and Restorative Discipline," in *Inequality in School Discipline*, edited by Russell J. Skiba, Kavitha Mediratta, and M. Karega Rausch, 115-134. New York: Palgrave Macmillan, 2016.

<sup>14</sup> Sonia Jain, Henrissa Bassey, Martha A. Brown, and Pretty Kalra, "Restorative Justice in Oakland Schools Implementation and Impacts: An Effective Strategy to Reduce Racially Disproportionate Discipline, Suspensions and Improve Academic Outcomes," *Data in Action*, September 2014.

## RJE in Utah

In 2017, the Utah State legislature passed House Bill 239, which provided opportunities for alternative school-related interventions, such as restorative justice practices, for certain offenses committed by students on school grounds. While HB 239 provided important evidence-based alternatives to punitive discipline, without a strong definition of restorative justice or a statewide implementation plan, it left many LEAs and schools wondering how to effectively implement restorative justice practices in their communities.

Beginning in August 2018, in partnership with the Utah Board of Juvenile Justice (UBJJ) and with support from the Utah State Board of Education (USBE), the research team assessed the current landscape, barriers, and opportunities to address the challenges posed by implementation of RJE throughout the State. Because educational contexts and approaches in Utah are varied (i.e., elementary, middle, and high schools; rural and urban context; high versus low implementation; whole-school model versus referral/partnership model), the research team conducted a legislative landscape scan to better understand best practice from across the nation; a statewide online survey; and site visits with four LEAs with varying contexts and levels of implementation to recommend solutions that address the varying needs both within and between LEAs across Utah. This report summarizes RJE implementation across the districts visited, identifies common barriers to implementation, and notes opportunities for further expansion of RJE across the state. **We commend the efforts of USBE in 2018 and 2019 to offer introductory RJE training for Districts and schools; and the recommendations contained within this report serve to complement and strengthen these existing efforts.**

## Methodology

The Needs Assessment was comprised of three workstreams: a legislative landscape scan of RJE legislation nationwide, and online survey distributed to LEAs across the state, and site visits that included interviews and focus groups with four LEAs.

- + **RJE legislative landscape scan.** This workstream comprised of the first known collocation of statewide restorative justice in education legislation from across the nation. The research team reviewed legislation from all 50 states that pertained to restorative justice initiatives implemented in educational settings that aimed to divert young people from the justice system at the state, county or local level. The team summarized relevant legislation from 15 states and the District of Columbia with regard to their definition of restorative justice, directives for implementation, funding appropriations and/or other supports, and implications for implementation in Utah.
- + **Online survey.** The research team circulated an anonymous, online survey to administrators and educators working in elementary, middle, and high schools throughout Utah to help provide additional insight into the current depth and breadth of RJE in Utah. The survey was distributed to all District administrators throughout the state who had the ability to decide whether and how to distribute it to their teachers and staff. The survey explored respondents familiarity with restorative justice (RJ), extent of RJ training received, changes since the passage of HB 239, and overall degree of implementation, benefits, and challenges of RJ within the school or agency.

- + **Site visits and interviews.** The research team conducted semi-structured interviews and focus groups with district staff and administrators, principals, vice principals, educators, SROs and mental health support staff within four Districts selected as a result of conversations with UBJJ and USBE. The number and type of interviews conducted in each district were guided by staff availability as well as District and State priorities. The research team produced one implementation plan for the Uintah District that included data collection at one elementary, one middle, and one high school; a combined implementation plan for the Districts of North and South Sanpete, which included data collection at two high schools and the South Sanpete District Office; and one implementation plan for the Ogden City School District which was based on data collected from administrators at the District office. The Stakeholder Interview Protocol used is attached in Appendix B.

This report provides the results of the landscape scan, including a summary of best practices from other geographies that have enacted legislation to promote the adoption of restorative practices; a summary of the common opportunities and barriers surfaced during the Needs Assessment and its interviews and focus groups in four LEAs; and recommended action steps for UBJJ to support implementation of restorative justice in education and complement existing efforts by USBE. This report is intended to provide actionable steps within a larger implementation strategy for restorative justice in education throughout the state.

# Legislative Landscape Scan

## Utah's Restorative Justice in Education Legislation

While HB 239 provided an important invitation for schools and districts across the state to consider restorative justice in education, it left many schools and districts wondering about the specific definition of "restorative justice" and available resources.

Utah's HB 239 does not require districts to implement RJ, rather it permits schools and districts to refer certain youth who have committed certain offenses to "restorative justice programs," a term that the legislation did not clearly define. Further, while HB 239 implied that those programs had to be "school-based," the HB 132 amendments limited the programs to those that are "evidence-based," potentially causing confusion around the intended source and qualifications for RJE implementation. House Resolution 1 (HR 1), introduced in 2018, did provide a definition of restorative justice and guidance for implementation in school settings, but the three pieces of legislation have yet to be communicated clearly as a comprehensive directive or state strategy.

House Resolution 1 (2018), taken together with HB239/132, provides an important foundation that can be used throughout the state to further develop restorative justice in education. However, more attention is needed to elevate the definition provided in HR1 and unify the understanding of restorative justice in education throughout the state. In addition, sufficient funding for implementation is a key component in effective RJE implementation. In her national review of restorative justice legislation in the juvenile justice system, Pavelka notes that adequate funding does not necessarily mean additional funding; but rather

can be achieved through the process of realigning or redirecting existing resources.<sup>15</sup> Funding should be tied to performance measures to help schools, districts, and state agencies clarify goals and provide both autonomy and accountability for districts and schools.

Numerous states have embedded RJ into their statutes and codes; however, the findings should be considered with caution as Pavelka conducted a similar review of the statutes and codes regarding incorporation of restorative justice in the justice system and found the degree to which the policy and legislation is explicitly or implicitly applied varies.<sup>16</sup> This initial review found that few of the states included above have adequate mandates, structures, and funding in place to support the systematic implementation of RJ in education and to meet policy goals and student needs. Utah can consider itself a leader in providing a definition of restorative justice in education through the adoption of HR 1 and can learn from the legislation of other states, outlined below, to provide clearer direction for implementation.

## Guidance from Other States

### Legislative Definitions of Restorative Justice

A subset of states define restorative justice in their legislation: Alaska, Colorado, Illinois, Michigan, Montana, and Washington have defined the term in their legislation, the definitions are provided in Appendix A.

**Recommendation: In 2018, Representative Sandra Hollins proposed HR1, cosponsored by Representative Lowry Snow, which defined restorative justice in education, and guided the creation of the *Community Compact on the Use of Restorative Justice for the Safety and Empowerment of Utah Youth*, signed by more than nine youth-serving community-based organizations in Utah. This resolution was passed by the legislature, and we recommend its elevation and use as a consistent and clear definition to guide implementation in Utah’s schools.**

### Legislative Direction for Use of Restorative Justice in Schools

#### RJ as Preferred Option

While some states introduce restorative justice in education as one of many options (California, Washington D.C., Florida, Maine, Massachusetts, and Utah), others specifically encourage the use of restorative justice practices in education. For example, Colorado law encourages the use of restorative justice as a first consideration when addressing student offenses. Additionally, each school district is encouraged to “develop and utilize restorative justice practices that are part of the disciplinary program of each school in the district.”<sup>17</sup>

Similarly, Michigan statute dictates that “restorative practices should be the first consideration to remediate offenses such as interpersonal conflicts, bullying, verbal and physical conflicts, theft, damage to property, class disruption, and harassment and cyberbullying.”<sup>18</sup> The law further explains and that the

---

<sup>15</sup> Sandra Pavelka, “Restorative Justice in the States: An Analysis of Statutory Legislation and Policy,” *Justice Policy Journal* 2, no. 13 (Fall 2016): 1-23.

<sup>16</sup>Pavelka, “Restorative Justice in the States.”

<sup>17</sup> Colo. Rev. Stat. § 22-32-144

<sup>18</sup> Mich. Comp. Laws § 380.1310c



school board or its designee “shall consider using restorative practices as an alternative or in addition to suspension or expulsion under this act.”

**Recommendation: Legislators, alongside community stakeholders such as UBJJ and USBE, should consider articulating RJE as a preferred option, rather than one option, in Utah to improve school climate and address disciplinary incidents.**

## Training requirements

School districts in Colorado are encouraged through the law to conduct training and education in the principles and practices of RJ to ensure that “capable personnel and resources are available to successfully facilitate all steps of the restorative justice process.”<sup>19</sup>

Louisiana requires that the State School Board, in collaboration with the Louisiana Juvenile Justice Planning and Coordination board, develop a plan to improve behavior within schools. This plan requires that school’s zero tolerance policies be amended to ensure that schools are not making inappropriate referrals to juvenile justice agencies. In addition to this, schools are required to provide training regarding positive behavioral supports, conflict mediation, cultural competence, and restorative justice practices.<sup>20</sup>

The state of Texas requires that curricula utilized to train school district peace officers and school resource officers incorporate learning objectives regarding positive behavioral interventions and supports, conflict resolution techniques, and restorative justice techniques.<sup>21</sup>

**Recommendation: Legislators, alongside community stakeholders such as UBJJ and USBE, should outline training requirements for staff tasked with implementing RJE in schools and districts.**

## Legislative Appropriation or Alternate Funding Routes for the Implementation of Restorative Justice

States and school districts use a variety of methods to fund restorative justice efforts, including specific legislative appropriation, school district appropriation, grants, and innovative taxing structures. Funding is often necessary to support professional development and ongoing coaching of educators and other school personnel in restorative justice principles and practices as well as the securing of a full time restorative coordinator. Funding can also provide an incentive for schools to try new approaches, such as RJ. Included below are states which have funding appropriations for RJ in schools or legislation that offers avenues for generating revenue for the implementation of RJ.

### Legislative Appropriation

The California 2017-2018 state budget appropriated \$15 million to the Orange County Department of Education and the Butte County Department of Education to address issues such as bullying and trauma that students have experienced, and for training teachers and administrators in alternatives to traditional

---

<sup>19</sup> Colo. Rev. Stat. § 22-32-144

<sup>20</sup> La. Stat. tit. 17 § 252

<sup>21</sup> V.T.C.A., Occupations Code § 1701.262

approaches to discipline. Purposes of these funds may include restorative justice practices and programs.<sup>22</sup>

A Colorado bill that was passed in 2013 initiated a restorative justice fund via a \$10 surcharge on offender fees. These dollars help seed new pilot projects and develop research and evidence on the value of restorative justice. The money also supports a position for a state restorative justice coordinator that supports the State Restorative Justice Council and Restorative Justice Programs around the state. Five percent of the funds are retained by the clerk of the court for administrative costs and 95 percent are transferred to the state treasurer and deposited in the judicial stabilization cash fund.<sup>23</sup>

## School District Appropriation

School districts throughout California have allocated significant portions of their yearly budgets to restorative justice. For the 2017-2018 school year, Oakland Unified provided nearly \$2.5 million for restorative justice. These funds paid for 35 RJ facilitators and a districtwide coordinator. The Los Angeles Unified School District allocates more than \$10 million a year for RJ and plans to implement these practices in all 900 district schools by 2020. The San Diego Unified School District approved a “School Climate Bill of Rights” that is based on restorative practices, and the board provided \$800,000 for restorative justice in 2017-2018. This paid for a districtwide program manager along with several other staff members. The Santa Ana Unified School District received a \$3 million federal grant to implement restorative practices in schools in the district.<sup>24</sup>

The Florida Department of Education allocates funds to districts as the line item “Safe Schools Allocation.”<sup>25</sup> No information was readily available as to how these funds are used among these districts, however, in some states safe school funding can be utilized for restorative justice purposes.

Minnesota implemented a restorative justice pilot program among six St. Paul Public Schools. The pilot programs were funded through a three-year, \$4.5 million effort that was the result of contract negotiations where union members insisted on a focus on restorative practice.<sup>26</sup>

## Grants

The California Department of Education offers a three-year grant program, the funds from which are to be used for “implementation and evaluation of activities in support of evidence-based, nonpunitive programs and practices to keep the state’s most vulnerable pupils in school.” These practices can include “implementing restorative practices, restorative justice models, or other programs to improve retention rates, reduce suspensions and other school removals, and reduce the referral of pupils to law enforcement agencies.” The statute stipulates that local education agencies that receive one of these

---

<sup>22</sup> David Washburn, “Discipline Reform Gets Boost in California Budget: Push to Expand Willful Defiance Suspension Ban Continues,” *EdSource*, June 21, 2018.

<sup>23</sup> Colo. Rev. Stat. § 18-25-101

<sup>24</sup> David Washburn and Daniel J. Willis, “The Rise of Restorative Justice in California Schools Brings Promise, Controversy,” *EdSource*, May 13, 2018.

<https://edsources.org/2018/the-rise-of-restorative-justice-in-california-schools-brings-promise-controversy/597393>

<sup>25</sup> Florida Department of Education, “2017-2018 Safe Schools Allocation,” July 17, 2017.

<http://www.fldoe.org/core/fileparse.php/7771/urlt/1718ssallocation.pdf>

<sup>26</sup> Josh Verges, “Instead of Suspensions, Six St. Paul Schools Try Restorative Circles,” *Twin Cities Pioneer Press*, June 9, 2017. <https://www.twincities.com/2017/06/09/instead-of-suspensions-six-st-paul-schools-try-restorative-circles/>

grants must provide a contribution of matching expenditures equal to at least 20 percent of the total grant award.<sup>27</sup>

The Colorado Department of Education operates the Expelled and At-Risk Student Services (EARSS) Grant program. This is a one-time, 18-month program to encourage the use of school-based restorative practices within Colorado as a standard response, as appropriate, to misconduct. The grant encompasses both a required planning process and the implementation of the resulting plan. Approximately \$1.2 million was available for the January 2017-June 2018 award period and 10 grants were awarded.<sup>28</sup>

Louisiana statute provides for a community-based, school-based, and regionally based sanctions and services grant program. The law recognizes that there has been an over-reliance on the incarceration of juveniles which is partly a result of a lack of available alternatives. The purpose of this grant program is to assist in developing preventative and diversionary alternatives to incarceration of juveniles. One of the objectives of these grants is to encourage “the principles and practices of balanced and restorative justice.” To be eligible for grants school systems or other entities must develop a plan based on the principles of balanced and restorative justice and must provide a cash match of up to 20 percent of the total grant funds.<sup>29</sup>

The state of Montana has established a restorative justice grant program in an effort to promote the use of RJ practices throughout the state and to “provide assistance to local and state jurisdictions and organizations in implementing the principles of restorative justice.” Programs eligible for the grant funding must incorporate evidence-based practices including sentencing circles, victim awareness education, school expulsion alternatives, and community panels.<sup>30</sup>

Pennsylvania law established an Office for Safe Schools within the Department of Education. This office has legislative authorization to establish grants to fund programs among school entities which address school violence such as conflict or dispute management, including restorative justice strategies.<sup>31</sup>

## Taxes

Montana’s governor signed Senate Bill 92 into law in 2019 that allows schools to offer a new tax specifically for school safety costs and to use existing funding streams for safety upgrades. The law takes a wide view on school safety allowing for funds to be used for active shooter training as well as restorative justice practices and programs. The bill left the interpretation of school safety uses up to the school.<sup>32</sup>

---

<sup>27</sup> Cal. Educ. Code § 33432

<sup>28</sup> Deb Witzel, “Rare Funding Opportunity in CO for Restorative Practices in Schools,” *Restorative Justice Colorado*, September 8, 2016.  
<https://www.rjcolorado.org/blog/rare-funding-opportunity-in-co-for-restorative-practices-in-schools>

<sup>29</sup> La. Stat. tit. 46 § 2610

<sup>30</sup> Mont. Code § 2-15-2013

<sup>31</sup> 24 P.S. § 13-1302-A

<sup>32</sup> Matt Hoffman, “A New Tax for School Safety Aims to Protect Students in Montana,” *Governing*, May 7, 2019.  
<https://www.governing.com/topics/education/tns-montana-school-tax-safety.html>

**Recommendation: Legislators and community stakeholders should think creatively about reallocating existing funding streams or reorienting the positions of existing staff to dedicate additional resources to support RJE implementation.**

# Statewide Online Survey

## Overview

The research team received 65 unique responses to the online survey distributed via email to all District offices throughout the state.

The vast majority of survey respondents, 60 (92.31%), indicated that they work in the education sector; 4 (6.15%) in juvenile or criminal justice, or law enforcement; and 1 (1.54%) in the nonprofit sector. 48 individuals (73.85%) responded that they were familiar with RJ practices and 17 individuals (26.15%) responded that they were not familiar with RJ practices.

The survey asked whether or not the respondents had received training in RJ practices and to indicate how many hours of training they had received. 24 individuals (36.92%) indicated that they had received training and 41 individuals (63.08%) responded that they had not received RJ training. Of those that received training, 19 individuals provided information on the amount of training they had received with 3 hours as the minimum and 12 hours as the maximum amount of training. Many had received training from the Utah State Board of Education (USBE).

## Results: Education

Of the 59 respondents who worked in education, the majority (34, 57.63%) were employed as administrators; 16 (27.12%) worked as teachers; 8 (13.56%) worked as counselors, special education teachers, or learning coaches; and 1 (1.69%) indicated they were a staff member in an educational setting. In these roles, 50 (84.75%) of the respondents were involved in school disciplinary processes and 53 (89.83%) indicated participation, through support and/or leadership, of school culture or community building efforts.

Survey respondents were provided a list of eight support programs including: trauma informed, social-emotional learning (SEL), mindfulness, collaborative problem-solving, positive behavior interventions and support (PBIS), multi-tiered systems of support (MTSS), positive youth development framework, and multicultural education strategies. Respondents were asked which, if any, of these programs or practices were currently being utilized at their school. They were encouraged to choose all that apply. The most common support programs utilized are MTSS (46, 20.44%) and PBIS (43, 19.11%), and positive youth development framework (7, 3.11%) is the least common.

Additionally, respondents were asked whether or not their school was currently implementing any program, activity, or practice that would be described as “restorative justice.” Twenty-nine (50%) indicated their school was engaged in RJ implementation; six (10.34%) indicated their school was not implementing RJ programs, activities, or practices; and 23 (39.66%) responded they were unsure. The majority of those schools implementing RJ were in the beginning stages (1-3 years). Participants were then asked to describe the RJ practices currently in place at their school. Many individuals indicated specific practices

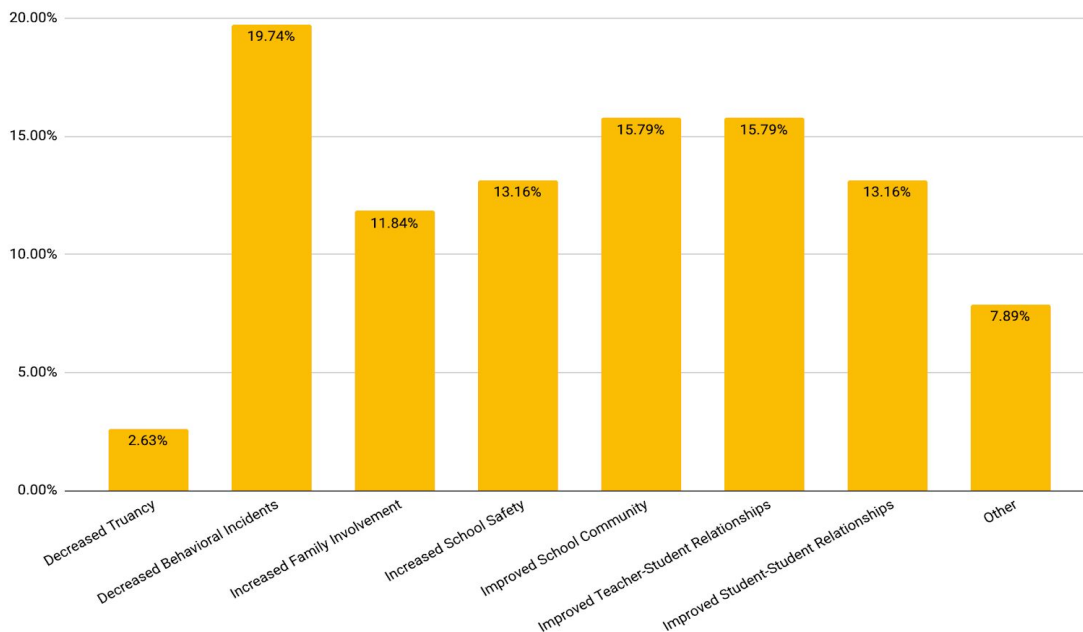
such as restorative circles and meetings with all parties involved. Additionally, many respondents indicated that the focus of disciplinary actions is centered on restitution and that “students are asked and expected to make things right.”

Sixteen (76.19%) individuals responded that at their school, there is one or more staff whose role it is to promote the use of restorative practices; two (9.52%) responded that there is a restorative justice team; and three (14.29%) indicated that there is regular, ongoing training and support on restorative justice practices. Furthermore, 26 individuals (92.86%) indicated that they spend 1-5 hours per week implementing RJ practices; 2 (7.14%) responded 5-10 hours per week, and no one indicated that they spend more than 10 hours per week. Zero respondents indicated implementation of RJ practices was considered completed.

Respondents were asked to indicate in what instances restorative justice practices were being utilized at their school. They were provided a list and asked to select any and all instances that apply. The most common response was that RJ was being utilized in disciplinary incidents with students (28, 52.83%), and to a lesser degree in community building with students (13, 24.53%). Few respondents reported using RJ with and among staff.

Respondents were then asked to identify the benefits, if any, that their school has experienced through the implementation of RJ practices. Participants were provided a list of options including decreased truancy, decreased behavioral incidents, increased family involvement, increased school safety, improved school community, improved teacher-student relationship, and improved student-student relationships. They were asked to choose all that apply. The results can be found in Figure 1. Fifteen respondents reported RJ decreased behavioral incidents (19.74%), 12 recognized RJs contribution to an improved school climate (15.79%) and improved teacher-student relationships (15.79%). Of those that chose ‘Other,’ many indicated that they do not have data concerning the effect of RJ on the options provided.

**Figure 1: Reported benefits of RJ implementation in Utah schools**



Individuals were asked what challenges their school had experienced through the implementation of RJ practices. Four major themes surfaced from the respondents' answer, presented in Table 1 along with example responses for each one.

**Table 1: Reported barriers to RJ implementation in Utah schools**

Theme	Selected Responses
Lack of resources	<p>"Resources: time, money, people."</p> <p>"We need many more resources to effectively implement a complete program."</p>
Inadequate buy-in from staff	<p>"[Staff] don't see the long-term benefit, and they want to see immediate consequences for behavior."</p>
Lack of training	<p>"Not enough understanding of what [RJ] is school-wide. Only one person has actually received training."</p> <p>"We just don't really know what we're doing. We try, but have very little training and only some reading to inform us."</p>
Frustration at perceived inability to adequately discipline students	<p>"Sometimes students are not disciplined for minor or even major infractions."</p> <p>"I think our district has confused 'restorative practices for all' with 'consequences for none.'"</p>

In conjunction with this, participants were asked whether or not their school had the resources needed to effectively implement RJ practices. The majority, (23, 62.16%), indicated that their school did not have adequate resources; 5 (13.51%) responded their school did have the necessary resources; and 9 (24.32%) responded they were unsure. Respondents were then asked to indicate what additional resources they believed were needed to effectively implement RJ practices and programs in their schools. The vast majority of respondents indicated additional training and professional development, funding, and RJ-specific staff positions as necessary to effectively implement RJ in their schools. Examples of their comments are provided in Table 2.

**Table 2: What additional resources would be needed to effectively implement RJ in your school?**

Selected Respondent Comments
<p>"More training. We have discussed [RJ] and how it could be implemented in our school but feel we are not proficient."</p>
<p>"Restorative practices are extremely time-consuming. Additional funding would be required so that this is one person's full-time job."</p>
<p>"More time for extensive training. More money to pay for training and people to run interventions. More knowledgeable people."</p>

Respondents were asked whether disciplinary practices changed in their schools since the passage of HB 239 in 2017. Thirty-three (56.90%) indicated they had changed; 7 (12.07%) indicated they had not changed; and 18 (31.03%) responded they were not sure. Respondents further articulated the changes they had experienced, with selected responses presented in Table 3. Overall, the responses were mixed with three themes identified: fewer suspensions and strengthened proactive engagement; increased coordination to address student needs; and implementation of RJE requiring a shift in mindset.

**Table 3: Have disciplinary practices changed in your school since the passage of HB239? In what ways?**

Theme	Selected Responses
Fewer suspensions, strengthened proactive engagement	<p>“We have suspended less kids, made less truancy referrals to the state, and have engaged in a more extensive behavior system within our district.”</p> <p>“Focus more on teaching students about why their choice or actions were wrong or harmful and working more with teaching the students instead of punishing them.”</p> <p>“Instead of dishing out consequences, we work to identify the needs of the student.”</p> <p>“Our approach has been more about building relationships with students.”</p>
Increased coordination to address student needs	<p>“We are proactive and look for what is in the best interest of our students. We are cautious to not be too lenient but also not too strict as well. We work with the student and their family to determine the best strategy when dealing with juveniles and issues they face during the school day.”</p> <p>“There is a lot of communication now between the administration, teacher, and student or students involved for the purpose of analyzing the situation and determining what actions happened when and at what point actions could have changed for a better outcome.”</p>
RJE requires a shift in mindset	<p>“I’ve noticed more leniency in cases dealing with students breaking the laws, or students with behavior or respect issues on school grounds.”</p> <p>“We can no longer use our resource officer to issue tickets for small infractions. It has seemed to me as a teacher it has handicapped our discipline effectiveness.”</p> <p>“Most of what I see as the change has to do with the way students who are chronically absent are</p>



	disciplined. It seems that attendance is not considered a critical element of school participation.”
--	--

**Results: Justice System Stakeholders**

While individuals working in the justice system were not the primary intended participants, four respondents indicated that they were justice system practitioners, two of whom identified as school resource officers. Due to a lack of robust data, only limited conclusions can be drawn from their responses. All four respondents indicated that their agencies were currently implementing RJ programs or practices, and have since the passing of HB 239. However, multiple respondents indicated a negative perception of RJ and replied that they had seen no benefits of RJ and that the perception was that RJ was “forcefully imposed.” Additionally, they indicated that they have experienced challenges since its implementation such as a change in the “mindset of youth offenders” in so much that they now see that there are no consequences, and that there is a lack of funding associated with HB 239 that would allow for the hiring of individuals that can run RJ programs.

**Conclusions & Next Steps**

While the majority of respondents indicated that they were familiar with RJE; few reported a robust implementation plan in their schools. For those who have engaged in the implementation of RJE in their schools, the benefits and challenges reported are common and consistent with research from around the nation.<sup>33</sup> Implementation of RJE has the strong potential to decrease disciplinary incidents and lead to improved school climate and culture when implemented with fidelity. Full implementation of RJE requires commitment, resources, and training.

Overall, respondents did report that changes made as a result of HB 239 are perceived to have the intended impact; educators and administrators reported fewer suspensions, increased proactive engagement with students to address challenging behavior, and bolstered coordination among families, educators, and SROs to support student needs. Yet, some respondents were concerned about what they perceived to be leniency in the disciplinary process. This finding is expected as implementation of RJE requires a shift in mindset around the purpose of discipline and the ways in which behavior change occurs. A shift of this magnitude will require more time in order to take effect as it challenges the way that many educators and administrators were trained and practices they have used throughout their professional career. It will also require seeing restorative practices in action and experiencing the benefits first hand. Research on RJE implementation suggests that culture changes of this nature can take 3-5 years to take hold within schools that are implementing RJE with fidelity.

As a result of this survey, we recommend a phased RJE implementation process throughout the state, whereby schools that are ready and interested in pursuing the cultural and procedural changes necessary for RJE implementation with full fidelity are supported by intensive technical assistance. This provides the opportunity for other schools that may not yet be ready to review the results of early adopters and bolster foundational supports and attitudes to assist with RJE implementation.

<sup>33</sup> Fronius, et al., “Restorative Justice in U.S. Schools.”



# Summary of Needs Assessments

The summary reflects primary findings and recommendations from the Restorative Justice in Education Needs Assessments conducted in the participating LEAs across the state of Utah during the Spring of 2019. In partnership with UBJJ and USBE, the research team observed and conducted interviews in schools and administrative offices within four LEAs: Uintah School District, Ogden City School District, Sanpete County (including North and South Sanpete School Districts).

In order to assess implementation across Districts, the research team developed a rubric of the key components of RJE implementation, using a comprehensive list of implementation resources from across the United States and Canada, which can be found in Appendix C.

Whereas many of the existing resources consulted provided a step-by-step approach for implementation, the rubric developed and used for this assessment focuses on the foundational components necessary to implement RJE, since most districts and schools involved in this assessment are still laying the groundwork necessary for RJE implementation.

As such, the rubric includes a review of current attitudes toward discipline, attitudes toward change and leadership, school culture, and existing RJ practices, and capacity, tools, and training. Approaching the assessment in this way allowed the research team to take an assets-based approach that identified mindsets, practices, and resources were already in place that could be built upon for RJE implementation.

These dimensions assessed and reported on in each District included:

- + Existing orientation toward discipline: attitudes toward discipline, existing disciplinary practices and disparities;
- + Commitment and attitudes toward change: staff buy-in, commitment to change, and vision of leadership;
- + District and school culture: indicators of positive, relational culture;
- + Current RJE practices: understanding of and experience with RJE, existing complementary practices, and alignment with school improvement priorities; and
- + Capacity, tools, and training: policies, teams, and training, data collection tools and processes, as well as sustainability of funding for RJE.

Overall, each LEA demonstrated different levels of understanding and progress in implementation of RJE. While each LEA expressed a commitment to moving away from punitive and exclusionary discipline (and compliance with HB 239), each District had strategies for addressing student discipline issues in unique ways based on the context, resources, and strengths available to the District.

## Existing Assets

Existing mindsets, practices, and supports serve as the foundation from which to implement RJE. When considering sustainable, district-wide implementation it is important to build upon core values, mindsets, and existing practices that are consistent with restorative values and principles. In each district we

identified significant strengths, assets, and complementary practices that could be built upon and shared throughout the state. Included below are those which can be built upon:

***USBE commitment to developing RJE capacity in districts.*** A limited number of USBE staff have received training from the International Institute of Restorative Practices (IIRP) and have observed restorative justice in education in schools in Oakland, California. This commitment by USBE is a significant achievement and we recommend further strengthening professional development and capacity-building for RJE at USBE as well as encouraging partnerships and shared leadership for RJE implementation between USBE, schools, and community-based RJE experts.

***Leadership committed to building and sustaining relationships among faculty, staff, students and parents.*** At North Sanpete High School, the school used “Family Lunches” to bring educators together to support and learn from one another, engaged parents regularly via Facebook and Parent Nights, and espoused and embodied its core value of “Take Care of Each Other.” A District or School leader’s commitment to a culture of relationships can serve as an important foundational pillar to RJE implementation.

***Strong coaching and commitment to fidelity of PBIS model.*** In Ogden City School District, administrators select and use research-based behavior management curricula and have committed to continuous learning and fidelity to those models via a coaching model that includes analysis of Panorama Data and Educators Handbook Data to identify areas for in-classroom coaching and weekly group and/or individual coaching sessions.

***Strong links between district leadership and schools.*** The Uintah District’s Shared Leadership model, which involves empowering individual schools to create professional learning communities or collaborative groups, of which principals are a part of, to develop, reflect, and modify their school improvement plans. Embedded in this approach is a belief that leadership is most effective when it’s distributed among a team of individuals with different skill sets and experiences, who share a mission of creating and sustaining a school-wide culture of learning and improved outcomes for students. Rather than principals serving as the sole leader, leadership opportunities are shared, divergent views are encouraged, all staff members have a voice in major school decisions, and school-wide data is consistently collected and used to make decisions.

***Peer learning and community collaboration.*** In the South Sanpete District, the District was in the process of developing an integrated team to meet the needs of youth in the district that included DFS, JJS, mental health professionals, substance use treatment providers on a team to comprehensively address root causes that lead to poor attendance and student outcomes.

## Common Challenges and Associated Needs

There were a number of shared challenges across the three LEAs, including a need to strengthen existing or emergent practices, that would support the implementation of RJE across the districts assessed. Overall, there is a significant need for a consistent definition and statewide direction for RJE combined with on-going support and training tailored to each District’s unique assets and challenges. The common challenges and their associated needs are outlined below. For observations and recommendations specific to each District assessed, please see the corresponding Needs Assessment & Implementation Plan for Ogden City School District, Uintah School District, and Sanpete County.

**HB239/132 has challenged schools to think differently about the school environment and responses to misbehavior, and further direction is requested.** Participating schools and districts indicated via survey and interviews that HB239 had challenged them and the existing systems to think and act differently toward student behavior and discipline. While HB239 was initially perceived negatively, many staff did acknowledge the changes have provided the opportunity for administrators to consider underlying needs and root causes of misbehavior.

It is promising that Districts and schools have recognized HB 239/132 as an opportunity for change, yet participating schools and Districts requested more support and direction to guide implementation of new school climate and discipline practices. Many educators and administrators interviewed and surveyed continued to hold beliefs that it was challenging to understand how new school climate and behavior policies would hold students accountable or apply to the unique considerations of their districts, particularly in rural areas. These attitudes signal the reality that RJE implementation requires a considerable shift in mindset and culture for educators and administrators, and that longer-term tailored support is needed in order to effectively complete this process.

**Schools and districts expressed a need for foundational supports for students and staff, including behavioral health services and schoolwide culture and climate initiatives.** In order for RJE to be most effectively implemented, students and staff should have a comprehensive infrastructure of support including behavioral and mental health services. These services form a “backbone” of support for students and teachers as they seek to solve problems in a new way beyond juvenile justice system referrals, and allow students and staff to connect to services that often, through RJE processes that focus on needs, are identified as needed. RJE is not a standalone program or practice, but works in tandem with a comprehensive suite of support services.

In addition to behavioral health services, teachers expressed that they often felt unprepared to handle common behavior issues in the classroom. We recommend bolstering statewide educator trainings and to enlist the support of local universities to provide training and information on school climate, restorative justice in education, and other complementary evidence-based practices as content critical for teacher preparedness. Training and coach for SROs related to trauma-informed practices and restorative justice in education was also highlighted as a need.

**Issues of truancy and tobacco/vaping on school grounds remain challenging for schools to address and to provide students with the necessary supports.** Interview participants expressed a need for greater alignment between HB 239/132 and the state’s mandatory attendance law as well as alignment between vaping laws in the education setting and juvenile justice context. Evidence-based substance abuse education also surfaced as a need to address tobacco and vaping on school grounds. Without these measures, there is a perceived need for officers to cite students for more serious charges that would involve them in the juvenile justice system, where they would have access to greater resources or the deterrent effects of having to spend significant time commitment/effort to resolve charges. This may indicate an area of overreach of probation in their collaboration with schools.

**While introductory training from USBE introduced many Districts to the concept of RJE, schools need additional and ongoing resources and training to effectively implement RJE with fidelity to see research-supported results.** RJE implementation requires consistency, continuity, and fidelity; with full

implementation achieved over 3-5 years in order to achieve research-supported results.<sup>34</sup> Schools expressed a desire for a more streamlined RJE strategy at the state level with the potential formation of RJE working groups and peer learning communities with representation from both urban and rural contexts. In addition to a statewide strategy, Districts also expressed the need for tailored on-going training and technical assistance that capitalized on the assets and responds to the challenges of each District.

## Recommended Action Steps

- 1. Elevate a comprehensive statewide definition and direction for RJE, such as in HR1.**  
Even within Districts that have received introductory RJE training from USBE, there is a lack of common understanding around what is meant by “restorative justice” in education. Utah’s HR 1 and the *Community Compact on the Use of Restorative Justice for the Safety and Empowerment of Utah Youth* provide a clear and comprehensive definition of restorative justice in education which can be used as a guiding document for further directives from USBE and others across the state. As many schools and districts are eager to comply and understand restorative justice in education, a consistent and clear definition can aid in the development of a unified vision and provide a critical definition to schools to avoid further confusion and conflation of restorative justice in education principles.
- 2. Support further local collaboration across education, juvenile justice, and social services to proactively address behavioral health needs and identify opportunities for resource sharing.** The addition of more behavioral health providers to the school network could allow schools to play a key support role in reducing barriers to access to services and the stigma often associated with seeking help. Further, behavioral health providers affiliated with schools could conduct home visits that would allow school professionals to talk with families in a space they are comfortable and build relationships with parents while furthering their relationships with students. This also would allow school professionals to understand the influence of the child’s home environment related to school performance and relatedly, allow for a better understanding of the child’s behavior in school. Since these resources are not currently available, more attention to building systems of collaboration between DCFS, JJS, and schools would allow for the creation of a “system of care” which could help meet some of these identified service needs. In addition, it is possible that changes resulting from HB 373 could help address this need. Overall, these additional supports would provide the needed attention on collective and systemic issues of poverty and inequality experienced throughout the State and form a necessary foundation for RJE implementation.
- 3. Bolster short-term needs-based interventions based on a positive youth development approach to increase sense of belonging, engagement and decreases in substance use.** As noted, truancy and substance use by students are challenges experienced in all LEAs. Punitive and exclusionary approaches to address chronic absenteeism and truancy are not effective; however, research has demonstrated that RJE generally improves

---

<sup>34</sup> Margaret Thorsborne and Peta Blood, *Implementing Restorative Practices in Schools: A Practical Guide to Transforming School Communities*, London: Jessica Kingsley Press, 2013.

attendance when fully implemented schoolwide.<sup>35</sup> Without a schoolwide RJE approach, LEAs could benefit from utilizing complementary approaches that seek to identify the underlying issues contributing to a student’s lack of engagement in school.<sup>36</sup> While truancy mediation provided through the Administrative Office of the Courts was viewed as a helpful resource for addressing behavior incidents, districts and schools often expressed a need for a more immediate response with the capacity for follow-up within the school to adequately support students. One possible approach would be to further build the capacity within schools and the district to conduct evidence-based, positive, needs-based truancy mediations with long-term follow-up. For adolescent tobacco and substance use, there are other empirically-supported school-based prevention programs that could be implemented<sup>37</sup> as well as family and community based prevention programs.

4. **Build on assets and existing approaches within schools and districts to provide ongoing training and coaching in RJE implementation for those who are ready, with an emphasis on pre-service training and local, peer-to-peer learning. We recommend targeting resources and piloting full RJE implementation with fidelity to principles and values in a limited number of Districts.** As outlined in this report and the corresponding District-specific Needs Assessments & Implementation plans, there are a number of positive practices in place to build community and address discipline in the Districts observed; however, there is none had a unifying framework in place. RJE, with its associated principles and values, could provide the foundational framework to guide future efforts to bolster relationship building practices, further the development of positive discipline processes, and support the creation of a justice and equitable learning environment for Districts that are read. When providing RJE resources for schools, it is important that training should be provided in a location that is convenient for participants, tailored to address the assets and challenges of rural areas, and include opportunities to observe RJE circles on-line and in-person. Training for teachers and administrators should include coaching and ongoing support with opportunities for reflection, as well as peer-to-peer and school-to school learning. State agencies are uniquely positioned to facilitate learning between LEAs.

## Conclusion

The results of this RJE Needs Assessment, including the legislative landscape scan, online survey, and site visits to four LEAs, indicate an interest and positive momentum toward implementing restorative justice practices in education in Districts across the state. However, in order to achieve the research-supported results of RJE, implementation requires whole-school reform that takes three to five years with a long-term commitment of resources and training.

---

<sup>35</sup> Fronius, et al., “Restorative Justice in U.S. Schools.”

<sup>36</sup> Jennie L. Hall, Erin B. Worwood, Audrey O. Hickert, and Robert P. Butters, “Evaluation of Truancy Reduction Efforts in Utah,” *University of Utah: Utah Criminal Justice Center*, 2013.

<sup>37</sup> Brian R. Flay, “School-Based Smoking Prevention Programs with the Promise of Long-Term Effects,” *Tobacco Induced Diseases* 5, no. 6 (March 2009); Kenneth W. Griffin and Gilbert J. Botvin, “Evidence-Based Interventions for Preventing Substance Use Disorders in Adolescents,” *Child and Adolescent Psychiatric Clinics of North America* 19, no. 3 (2010): 505-526.

As such, we recommend that UBJJ support comprehensive RJE implementation efforts in a limited number of Districts throughout the state that could serve as a pilot for full implementation in all Districts, building upon the existing assets of the Districts who are currently ready and interested in full implementation. Supporting this pilot implementation should include elevating a statewide definition of RJE, identifying existing resources and individuals/positions that can be dedicated to RJE implementation within each district, and supporting further local collaboration between juvenile justice, education, and behavioral health stakeholders. When successfully embedded in school climate and culture throughout Utah, RJE can support the creation of a safe and just learning environment for all students and further the mission of the Utah Board of Juvenile Justice.

# References

- Armour, Marilyn. "North East Independent School District: Ed White Middle School Restorative Discipline Evaluation: Implementation and Impact, 2012–2013 Sixth Grade." *The Institute for Restorative Justice and Restorative Dialogue*. The University of Texas at Austin, 2013.
- Augustine, Catherine H., John Engberg, Geoffrey E. Grimm, Emma Lee, Elaine Lin Wang, Karen Christianson, and Andrea A. Joseph. "Can Restorative Practices improve School Climate and Curb Suspensions? An Evaluation of the Impact of Restorative Practices in a Mid-Sized Urban School District." *RAND Corporation*, 2018.
- Baker, Myriam. "DPS Restorative Justice Project: Year three." Denver, CO: Denver Public Schools, 2009.
- Browth, Martha. "Being Heard: How a Listening Culture Supports the Implementation of Schoolwide Restorative Practices." *Restorative Justice: An International Journal* 5, no. 1 (2017): 53-69.
- Cavanagh, Tom, Patricia Vigil, and Estrellita Routledge Garcia. "A Story Legitimizing the Voices of Latino/Hispanic Students and their Parents: Creating a Restorative Justice Response to Wrongdoing and Conflict in Schools." *Equity & Excellence in Education* 47, no. 4 (Nov 2014): 565-579. <https://doi.org/10.1080/10665684.2014.958966>
- Evans, Katherine, and Dorothy Vaandering. *The Little Book of Restorative Justice in Education: Fostering Responsibility, Healing, and Hope in Schools*. New York: Good Books, 2016.
- Flay, Brian R. "School-Based Smoking Prevention Programs with the Promise of Long-Term Effects." *Tobacco Induced Diseases* 5, no. 6 (March 2009).
- Florida Department of Education. "2017-2018 Safe Schools Allocation." July 17, 2017. <http://www.fldoe.org/core/fileparse.php/7771/urlt/1718ssallocation.pdf>
- Fronius, Trevor, Sean Darling-Hammond, Hannah Persson, Sarah Guckenbug, Nancy Hurley, and Anthony Petrosino. "Restorative Justice in U.S. Schools: An Updated Research Review." *WestEd Justice & Prevention Research Center*, March 2019. <https://www.wested.org/wp-content/uploads/2019/04/resource-restorative-justice-in-u-s-schools-an-updated-research-review.pdf>
- González, Thalia. "Keeping kids in schools: Restorative Justice, Punitive discipline, and the School to Prison Pipeline." *Journal of Law and Education* 41, no. 2 (April 2012): 281-335.
- Gregory, Anne, and Kathleen Clawson. "The Potential of Restorative Approaches to Discipline for Narrowing Racial and Gender Disparities." In *Inequality in School Discipline*, edited by Russell J. Skiba, Kavitha Mediratta, and M. Karega Rausch, 153-170. New York: Palgrave Macmillan, 2016.
- Griffin, Kenneth W. and Gilbert J. Botvin. "Evidence-Based Interventions for Preventing Substance Use Disorders in Adolescents." *Child and Adolescent Psychiatric Clinics of North America* 19, no. 3 (2010): 505-526.
- Hall, Jennie L., Erin B. Worwood, Audrey O. Hickert, and Robert P. Butters. "Evaluation of Truancy Reduction Efforts in Utah." *University of Utah: Utah Criminal Justice Center*, 2013. [https://socialwork.utah.edu/\\_resources/documents/2013TruancyReport\\_final1.pdf](https://socialwork.utah.edu/_resources/documents/2013TruancyReport_final1.pdf)



- Hoffman, Matt. "A New Tax for School Safety Aims to Protect Students in Montana." *Governing*, May 7, 2019. <https://www.governing.com/topics/education/tns-montana-school-tax-safety.html>
- Jain, Sonia, Henrissa Bassey, Martha A. Brown, and Pretty Kalra. "Restorative Justice in Oakland Schools Implementation and Impacts: An Effective Strategy to Reduce Racially Disproportionate Discipline, Suspensions and Improve Academic Outcomes." *Data in Action*, September 2014. <https://www.ousd.org/cms/lib07/CA01001176/Centricity/Domain/134/OUSD-RJ%20Report%20Revised%20Final.pdf>
- Kidde, Jon and Rita Alfred. "Restorative Justice: A Working Guide for our Schools." *Alameda County School Health Services Coalition*, 2011. [http://www.creducation.net/resources/Alameda\\_County\\_Restorative\\_Justice\\_Report\\_2011.pdf](http://www.creducation.net/resources/Alameda_County_Restorative_Justice_Report_2011.pdf)
- Losen, Daniel J. "Discipline Policies, Successful Schools, Racial Justice, and the Law." *Family Court Review* 51, no. 3 (August 2013): 388-400.
- McMorris, Barbara J., Kara J. Beckman, Glynis Shea, Jenna Baumgartner, and Rachel C. Eggert. "Applying Restorative Justice Practices to Minneapolis Public Schools Students Recommended for Possible Expulsion." *University of Minnesota Prevention Research Center*, December, 2013. [https://www.legalrightscenter.org/uploads/2/5/7/3/25735760/lrc\\_umn\\_report-final.pdf](https://www.legalrightscenter.org/uploads/2/5/7/3/25735760/lrc_umn_report-final.pdf)
- Mirsky, Laura. "SaferSanerSchools: Transforming School Cultures with Restorative Practices." *Reclaiming Children and Youth* 16, no. 2 (Summer 2007): 5-13.
- Pavelka, Sandra. "Restorative Justice in the States: An Analysis of Statutory Legislation and Policy." *Justice Policy Journal* 2, no. 13 (Fall 2016): 1-23.
- Skiba, Russel J. and Kimberly Knesting. "Zero Tolerance, Zero Evidence: An Analysis of School Disciplinary Practice." *New Directions for Youth Development: Theory, Practice and Research* 92 (2002): 17-43.
- Skiba, Russel J., Robert S. Michael, Abra Carroll Nardo, and Reece L. Peterson. "The Color of Discipline: Sources of Racial and Gender Disproportionality in School Punishment." *The Urban Review* 34, no. 4 (2002): 317-342.
- Suvall, Cara. "Restorative Justice in Schools: Learning from Jena High School." *Harvard Civil Rights-Civil Liberties Law Review*, 44, (2009): 547-569. <http://youthjusticenc.org/download/education-justice/prevention-intervention-alternatives/Restorative%20Justice%20in%20Schools%20-%20Learning%20from%20Jena%20High%20School.pdf>
- Vaandering, Dorothy and Deenaree Voelker. "Relationships First Implementation Guide: A Holistic, Whole-School, Responsive Approach." *Relationships First: Restorative Justice Education in NL Consortium*, 2018.
- Verges, Josh. "Instead of Suspensions, Six St. Paul Schools Try Restorative Circles." *Twin Cities Pioneer Press*, June 9, 2017. <https://www.twincities.com/2017/06/09/instead-of-suspensions-six-st-paul-schools-try-restorative-circles/>



Vincent, Claudia G., John English, Erik J. Girvan, Jeffrey R. Sprague, and Timothy M. McCabe. "School-wide Positive and Restorative Discipline (SWPRD): Integrating School-wide Positive Behavior Interventions and Supports and Restorative Discipline." In *Inequality in School Discipline*, edited by Russell J. Skiba, Kavitha Mediratta, and M. Karega Rausch, 115-134. New York: Palgrave Macmillan, 2016.

Washburn, David. "Discipline Reform Gets Boost in California Budget: Push to Expand Willful Defiance Suspension Ban Continues." *EdSource*, June 21, 2018.  
<https://edsources.org/2018/california-youth-advocates-cheer-new-money-for-discipline-reform-continue-push-for-suspension-ban/599434>

Washburn, David and Daniel J. Willis. "The Rise of Restorative Justice in California Schools Brings Promise, Controversy." *EdSource*, May 13, 2018.  
<https://edsources.org/2018/the-rise-of-restorative-justice-in-california-schools-brings-promise-controversy/597393>

Witzel, Deb. "Rare Funding Opportunity in CO for Restorative Practices in Schools." *Restorative Justice Colorado*, September 8, 2016.  
<https://www.rjcolorado.org/blog/rare-funding-opportunity-in-co-for-restorative-practices-in-schools>

Yusem, David, Denise Curtis, Komoia Johnson, Barbara McClung, Fania Davis, Sangita Kumar, Tanya Mayo, and Franklin Hysten. "Oakland Unified School District Restorative Justice Implementation Guide: A Whole School Approach." *Oakland Unified School District* (n.d.)

# Appendix A

## Legislative Definitions of Restorative Justice

### Alaska

*The term "restorative justice program" means a program using a process in which persons having an interest in a specific offense collectively resolve how to respond to the offense, its aftermath, and its implications for the future. Restorative justice programs include, but are not limited to, circle sentencing, family group conferencing, reparative boards, and victim/offender mediation. For purposes of this rule, the term "restorative justice program" does not include the Alaska Court System's therapeutic courts.<sup>38</sup>*

### Colorado

*For purposes of this section, "restorative justice" means practices that emphasize repairing the harm to the victim and the school community caused by a student's misconduct. Restorative justice practices may include victim-initiated victim-offender conferences attended voluntarily by the victim, a victim advocate, the offender, school members, and supporters of the victim and the offender, which program provides an opportunity for the offender to accept responsibility for the harm caused to those affected by the act and to participate in setting consequences to repair the harm. Consequences recommended by the participants may include, but need not be limited to, apologies, community service, restitution, restoration, and counseling. The selected consequences shall be incorporated into an agreement that sets time limits for completion of the consequences and is signed by all participants.<sup>39</sup>*

### Illinois

*"Restorative practices" means programs and activities based on a philosophical framework that emphasizes the need to repair harm through a process of mediation and peace circles in order to promote empowerment and reparation.<sup>40</sup>*

### Michigan

*"Restorative practices" means practices that emphasize repairing the harm to the victim and the school community caused by a pupil's misconduct.<sup>41</sup>*

### Montana

*The term "restorative justice" means criminal justice practices that elevate the role of crime victims and community members in the criminal justice process, hold offenders directly accountable to the people and communities they have harmed, restore emotional and material losses, and provide a range of opportunities for victim, offender, and community dialogue, negotiation, and problem solving to bring about a greater sense of justice, repair harm, provide restitution, reduce incarceration and recidivism rates, and increase public safety.<sup>42</sup>*

---

<sup>38</sup> Alaska Del. R. 23

<sup>39</sup> Colo. Rev. Stat. § 22-32-144

<sup>40</sup> 730 ILCS 5/3-2.5-40.1

<sup>41</sup> Mich. Comp. Laws § 380.1310c

<sup>42</sup> Mont. Code § 2-15-2013

## Washington

*“Restorative justice” means practices, policies, and programs informed by and sensitive to the needs of crime victims that are designed to encourage offenders to accept responsibility for repairing the harm caused by their offense by providing safe and supportive opportunities for voluntary participation and communication between the victim, the offender, their families, and relevant community members.*<sup>43</sup>

---

<sup>43</sup> Wash. Rev. Code § 13.40.020

# Appendix B

## Stakeholder Interview Protocol

### Background

1. What is your professional background?
2. How long have you worked at this school?
3. What is your current role?
  - a. How long have you held your current role?

### Experience with School Disciplinary Processes

4. In your role, are you involved in school disciplinary processes?
  - a. Probe: Please elaborate...What does that look like?
5. Since you've been working at this school, have school disciplinary processes changed?
  - a. Probe: In what ways?
6. Since implementation of HB239, have school disciplinary processes changed?
  - a. In what ways?
  - b. From your perspective, have the changes been positive or negative? Elaborate...
  - c. In what ways has this impacted students? School culture? Your duties in your position? School safety?

### School Climate

7. In your role, do you support/lead school culture or community-building efforts?
  - a. Elaborate... what does that look like?
8. Tell me about the typical student who is referred to the office. What are their needs?
9. What do you hope will be the results of changing/improving your discipline practices?

### Experience with Restorative Justice Practices

10. Are you familiar with restorative practices?
  - a. How would you describe RJ practices?
11. In what way do you see restorative justice addressing disciplinary or school culture needs?

12. Have you received training in restorative justice practices?
13. Is your school currently using any programs, activities, or practices that you would describe as RJ practices?
  - b. Describe these practices
  - c. How long have these practices been used?
14. Do you use restorative practices for... community building? With students? With staff? For disciplinary processes? For staff conflict? In classroom?
15. What are the priorities identified in your school improvement plan? Is restorative justice included in the plan related to discipline?
16. Are you currently using any other practices in your discipline processes such as SEL, trauma-informed, collaborative and proactive solutions, or mindfulness?
  - a. Identify which ones
  - b. Please elaborate...
  - c. Have staff received training in these?

---

**Assessing Implementation and Progress** (*\*skip Q 17-27 if the answers to questions 8-16 indicate no RJ currently happening in school; jump to question 28*)

17. Have you announced to the school that you are implementing RJ? To staff? Parents? Students?
18. In the school, do you have... staff dedicated to implementing RJ practices?
  - a. Is there a RJ team or committee?
  - b. Ongoing training and support?
19. Have staff/faculty undergone training to assist with implementing these programs/activities/practices? How frequently? How many hours?
  - a. If so, please describe (optional)
20. Do staff receive professional development specific to restorative practices?
21. How much time, per week, do you spend on implementing restorative practices?
22. What benefits has your school experienced through initiating these programs/activities/practices?
  - a. *Give multiple choice options (decrease truancy, increase family involvement, increase school safety, etc.)*
23. What challenges has your school experienced through initiating these programs/activities/practices?
  - a. *Give examples, allow for open-ended 'other'*

24. What methods are you using to collect data on the impact of implementing restorative practices at your school?
  25. What is your evaluation strategy to assess effectiveness of these programs/activities/practices?
  26. Is implementation considered complete at the school?
  27. What would full implementation look like? Is there a gap between where implementation is now and where you would like it to be?
- 

**(\*Resume interview here)**

28. Are you interested in seeing RJ take hold in your school?
29. Does your staff have an interest in seeing RJ take hold?
30. Do you (or does the school) have the resources that you need to implement restorative justice practices? (Y/N)
  - a. Elaborate
  - b. What other resources would you need?
31. How much dedicated time can you commit or embed in your school schedule to develop and sustain RJ practices?
32. What time commitment are you ready to make for professional development with staff in the current, next, and future years?
33. Does your school have funding allocated to implement sustainable restorative practices and trainings?
34. Have staff been trained in trauma informed practices? SEL? Other? Which, if any, do they consistently utilize? In what ways?

# Appendix C

## Implementation Guides, Books, and Literature Reviews

Boyes-Watson, Carolyn and Kay Pranis. *Circle Forward: Building a Restorative School Community*. St. Paul, MN: Living Justice Press, 2015.

Chicago Public Schools. "Restorative Practices: Guide and Toolkit."  
[https://blog.cps.edu/wp-content/uploads/2017/08/CPS\\_RP\\_Booklet.pdf](https://blog.cps.edu/wp-content/uploads/2017/08/CPS_RP_Booklet.pdf)

Denver School-Based Restorative Practices Partnership. "School-Wide Restorative Practices: Step by Step."  
<https://www.skidmore.edu/campusrj/documents/Denver-2017-School-Wide-RP-Implementation-Guide.pdf>

Evans, Katherine, and Dorothy Vaandering. *The Little Book of Restorative Justice in Education: Fostering Responsibility, Healing, and Hope in Schools*. New York: Good Books, 2016.

Fronius, Trevor, Sean Darling-Hammond, Hannah Persson, Sarah Guckenburg, Nancy Hurley, and Anthony Petrosino. "Restorative Justice in U.S. Schools: An Updated Research Review." *WestEd Justice & Prevention Research Center*, March 2019.  
<https://www.wested.org/wp-content/uploads/2019/04/resource-restorative-justice-in-u-s-schools-an-updated-research-review.pdf>

Kidde, Jon. "Whole-School Restorative Approach: Resource Guide." *Vermont Agency of Education*, December 2017.  
<http://restorativesolutions.us/wp-content/uploads/2019/02/Vermont-Implementation-Manual.pdf>

Riestedberg, Nancy. *Circle in the Square*. Minnesota: Living Justice Press, 2012.

Smith, Dominique, Douglas Fisher, and Nancy Frey. *Better than Carrots or Sticks: Restorative Practices for Positive Classroom Management*. Alexandria, VA: ASCD, 2015.

Sprague, Jeffrey and Tary Tobin. "Aligning Positive Behavior Interventions and Supports and Restorative Practices: An Implementation Fidelity Manual." Draft. *University of Oregon, Institute on Violence and Destructive Behavior*. (February 2017).  
[https://www.researchgate.net/publication/313674270\\_ALIGNING\\_POSITIVE\\_BEHAVIORAL\\_INTERVENTIONS\\_AND\\_SUPPORTS\\_AND\\_RESTORATIVE\\_PRACTICES\\_AN\\_IMPLEMENTATION\\_FIDELITY\\_MANUAL](https://www.researchgate.net/publication/313674270_ALIGNING_POSITIVE_BEHAVIORAL_INTERVENTIONS_AND_SUPPORTS_AND_RESTORATIVE_PRACTICES_AN_IMPLEMENTATION_FIDELITY_MANUAL)

Thorsborne, Margaret and Peta Blood. *Implementing Restorative Practices in Schools: A Practical Guide to Transforming School Communities*. London: Jessica Kingsley Press, 2013.

Vaandering, Dorothy and Deenaree Voelker. "Relationships First Implementation Guide: A Holistic, Whole-School, Responsive Approach." *Relationships First: Restorative Justice Education in NL Consortium*, 2018.  
[https://docs.wixstatic.com/ugd/556f9d\\_1d363a4b1d3846e096e2517f683261b2.pdf](https://docs.wixstatic.com/ugd/556f9d_1d363a4b1d3846e096e2517f683261b2.pdf)

Yusem, David, Denise Curtis, Komoia Johnson, Barbara McClung, Fania Davis, Sangita Kumar, Tanya Mayo, and Franklin Hysten. "Oakland Unified School District Restorative Justice Implementation Guide: A Whole School Approach." *Oakland Unified School District* (n.d.)

<https://www.ousd.org/cms/lib/CA01001176/Centricity/Domain/134/BTC-OUSD1-IG-08b-web.pdf>