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"Positive Discipline Doesn't Sound Like Discipline": Experiences with Restorative Justice Implementation

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ABSTRACT

Restorative justice is an increasingly common discipline policy, as schools grapple with historic inequities in traditional exclusionary discipline. This mixed-methods study examines the implementation of restorative justice in 28 intentionally diverse charter schools in five jurisdictions in the U.S. Qualitative findings suggest a range of factors at play during implementation including capacity, buy-in and how intent is interpreted. They are reflected in our quantitative results where we find that suspension rates in the sample schools are lower in only three out of five jurisdictions and that reductions may serve to decrease racial/ethnic gaps in only two out of five jurisdictions.

Introduction

According to the U.S. Department of Education Office for Civil Rights (2021), in 2017–18, Black boys received both in-school suspensions (20.1%) and out-of-school suspensions (24.9%) suspensions at rates more than three times their share of total student enrollment (7.7%). Youth enrolled in special education also experienced higher rates of suspension: In 2017–18, students with disabilities represented 13.2% percent of the nation's students but 24.5% percent of students who received an out-of-school suspension (CRDC, 2021). The stark disproportionality observed in discipline rates by race, gender and disability status have drawn attention from policymakers and researchers over the past decade (see, for example, Gregory, Skiba, & Noguera, 2010; Skiba, 2015; Welsh & Little, 2018). Further, disproportionate discipline has been linked with negative consequences for school achievement, cognitive and non-cognitive development and long-term workforce outcomes (Gregory et al., 2010; Skiba et al., 2014; Welsh, 2017).

In response, disciplinary approaches such as restorative justice have become popular in American schools. Restorative practices originate from indigenous cultures of the South Pacific and Americas over 500 years ago. In these cultures, discipline emphasized the offender's accountability for the harm they caused, along with establishing a plan for repairing affected parties' hurt and restoring the offender to acceptance (Davis, 2019; Wonshé, 2004). The earliest applications of restorative justice in the United States were in the criminal and juvenile justice systems (Sherman & Strang, 2007). The National Center for Restorative Approaches in Youth Settings defines restorative justice as an approach to behavior "which puts repairing harm done to relationships and people over and above the need for assigning blame and dispensing punishment" and "shifts the emphasis from managing behavior to focusing on the building, nurturing and repairing of relationships" (Hopkins, 2003, p. 3).

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In the school setting, restorative justice often serves as an alternative to traditional discipline, particularly exclusionary disciplinary actions such as suspension or expulsion (Fronius, Persson, Guckenburg, Hurley, & Petrosino, 2016). Restorative justice proponents turn to these practices out of concern that more exclusionary disciplinary actions tend to be associated with harmful consequences for students (Losen, 2014) as well as racial/ethnic and gender disparities in the types and severity of punishments they receive (Skiba, Michael, Nardo, & Paterson, 2002). Restorative justice practices attempt to nurture healthy relationships, build processes that support the repair of harm and conflict, and support learning environments characterized by justice and equity (Evans & Vaandering, 2016). Schools using restorative justice have adopted a variety of approaches ranging from informal restorative dialogue between teachers and students to formal restorative conferencing involving students, staff, and community members, including family (Kim & Wohlstetter, 2022). The most common restorative justice practice is that of holding restorative circles. Restorative justice approaches differ starkly from exclusionary discipline policies, and we need to better understand how schools navigate the change. This mixed-methods study examines the implementation of restorative justice in 28 intentionally diverse urban charter schools in five jurisdictions in the U.S., highlighting the factors that have enabled as well as hindered implementation.

Literature Review

Despite its growing popularity, research on the outcomes of restorative justice has been limited and somewhat mixed (Gregory & Evans, 2020; Steinberg & Lacoe, 2017; Welsh & Little, 2018). As noted above, Black students and/or students with disabilities receive a disproportionate number of suspensions and the rate has grown over time (U.S. Department of Education, Office for Civil Rights, Civil Rights Data Collection, 2021). However, the number of suspensions and expulsions in the nation's public schools dropped 20% between 2012 and 2014 (U.S. Department of Education Office for Civil Rights, 2014) which is during the time that disproportionate discipline came to light and restorative justice started to be implemented in some schools. Similarly, a National Center for Education Statistics report documented downward trends in suspensions, student victimization, and reports of bullying (Zhang, Musu-Gillette, & Oudekerk, 2016). Some studies have shown a reduction in in-school and/or out-of-school suspension rates after implementing restorative justice (Armour, 2013; Augustine et al., 2018; Baker, 2009; Tyler, 2006).

In contrast, two randomized control studies (Acosta et al., 2019; Augustine et al., 2018) found conflicting evidence on the impact of restorative justice on school and classroom climate, peer relationships, suspension rates, connection to school, and achievement. Another study found that restorative justice led to an overall reduction in disciplinary action but had differential effects among racial groups, with White students benefiting most from the practices (Davison, Penner, & Penner, 2019). Similarly, a study of two large, diverse high schools in a small, East Coast city found that the number of suspensions dropped for Black, Latinx, and White students, but the racial discipline gap that had existed prior to the program's implementation remained afterward, suggesting that restorative justice did not reduce racial discipline disparities (Gregory & Clawson, 2016).

Some researchers attribute restorative justice's varied outcomes to variation in the implementation of the program. A study of 30 Oakland schools (Jain, Bassey, Brown, & Karla, 2014) found that those who were using restorative justice practices in their classrooms, had a school culture and climate team that met regularly, and were providing opportunities for staff to receive training closed the Black-White discipline gap by a few percentage points (from 12.6% to 9.2%) while the discipline gap actually *grew* in schools that were just beginning implementation but had few resources in place. Similarly, a policy brief summarizing research on restorative justice initiatives (Gregory & Evans, 2020) concluded that mixed findings related to improving

school climate and student development are likely due to "faulty models and mis-implementation" of restorative justice (p. 4). They offer five mis-implementation models to capture how restorative justice initiatives can falter and undermine the potential for nurturing positive change. These include: (1) mandated top-down initiatives misaligned with restorative justice values; (2) narrow approaches focused on a single restorative practice; (3) colorblind or power blind approaches to marginalizing dynamics; (4) "train and hope" approaches that offer few implementation supports, and (5) under-resourced and short-term initiatives that likely result in minimal buy-in, inconsistent practices, and teacher frustration and burnout. Our study builds on this research base to examine the successes and challenges in the shift to restorative justice in intentionally diverse charter schools.

Restorative justice is a highly context-based reform that requires intensive training and a shift in faculty and staff mind-sets (Brown, 2017). The research base is still limited but some researchers have concluded that a whole-school reform is most effective and that implementation can take three to five years (Gregory & Evans, 2020). Thus, it is important to examine how organizations approach the implementation of this reform. Prior research suggests that in some cases, restorative justice has been effective in reducing disproportionality in suspension rates for students of color, males and students with disabilities (Armour, 2013; Augustine et al., 2018; Baker, 2009; Tyler, 2006). However, not enough is known about the practices that produce these outcomes.

The limited prior research has identified a number of practices that support restorative justice implementation. When restorative justice practices are integrated across the school and district, rather than as an add-on program, implementation has been found to be substantially more effective across a range of outcomes (Jain et al., 2014; Morrison & Vaandering, 2012). One such practice to support effective implementation is emphasizing restorative justice in schools' formal policy and procedures (Tenants and Workers United, Alexandria United Teens, The Alexandria Branch of the National Association for the Advancement of Colored People, & Advancement Project, 2016). In addition, decisions about discipline and a policymaking process that considers multiple stakeholders helps increase buy-in from the various drivers of change (Kidde & Alfred, 2011) as well as when families are educated about the approach (Liberman & Katz, 2017). Similarly, the implementation is more sustainable when teachers and administrators are supportive of restorative justice (e.g., Kidde & Alfred, 2011). Lastly, the demonstration of buy-in by school leadership is critical to the sustainability and effectiveness of implementation (Liberman & Katz, 2017). Research has also found that restorative justice can take longer to implement than other models, delaying any positive outcomes (Guckenberg, Hurley, Persson, Fronius, & Petrosino, 2015; Rubio, 2018).

There has also been research focused on assessing schools' "restorative justice readiness" (Brown, 2017; Greer, 2018; Liberman & Katz, 2017) which is defined as the "measure of beliefs aligned with foundational restorative justice principles and values concerning harm, needs, obligations, and engagement. Such alignment can potentially lead to increased buy-in and willingness to implement restorative justice practices" (Greer, 2018). A study in Rhode Island found that "it is important to shift philosophy [around accountability] first and then proceed with shifting" practices (Liberman & Katz, 2017). The authors note that one obstacle to smooth implementation was the belief, held by some practitioners, that restorative justice was "soft on students" or that students would take advantage of leniency to misbehave. A "trusting community" has also been identified as a necessary pre-condition for restorative justice to thrive (Brown, 2017). In a study of restorative justice implementation in 12 California high schools, staff perceptions that schools consistently and fairly enforced school rules predicted higher levels of restorative justice readiness (Greer, 2018).

Professional development (PD) has also been found to be key to effective restorative justice implementation (Liberman & Katz, 2017; Mayorm, Sharkey, Hunnicutt, & Scheidel, 2016; Rubio, 2018). This is particularly true when training includes specific restorative techniques

as well as the reasoning behind the shift from traditional discipline approaches to restorative justice practices. In addition, ongoing work with skilled facilitators, such as one-on-one coaching, on-the-ground learning through shadowing, and feedback after instituting restorative justice approaches has been found to be important (Liberman & Katz, 2017; Mayorm et al., 2016; Vaandering, 2014). Prior studies have found that it benefits schools to implement a multi-tiered model of professional development to build teacher competency in restorative justice practices, specifically including the use of targeted teacher consultation (Mayorm et al., 2016). In addition, Gregory and Evans (2020) argue that long-term implementation plans focused on sustainability and professional support should be created in order to build school and district capacity for continual growth and to account for staff turnover and the induction of new staff.

We contribute to the nascent research base by examining restorative justice implementation in a sample of intentionally diverse charter schools across five U.S. jurisdictions. These schools promote the values of diversity, inclusiveness and social justice and have mission statements that seek to attract a mix of students, families, and educators from diverse neighborhoods, racial groups, and socio-economic backgrounds. As such, they are increasingly using restorative justice in their schools as a way to create a sense of belonging within their diverse population. These schools' experiences can help inform student discipline policy implementation in other schools, school districts, and states.

Conceptual Framework

We examine student discipline policy implementation in our sample schools by applying Smith and Thier's (2017) triadic model of policy implementation (see Figure 1). This model posits that during the

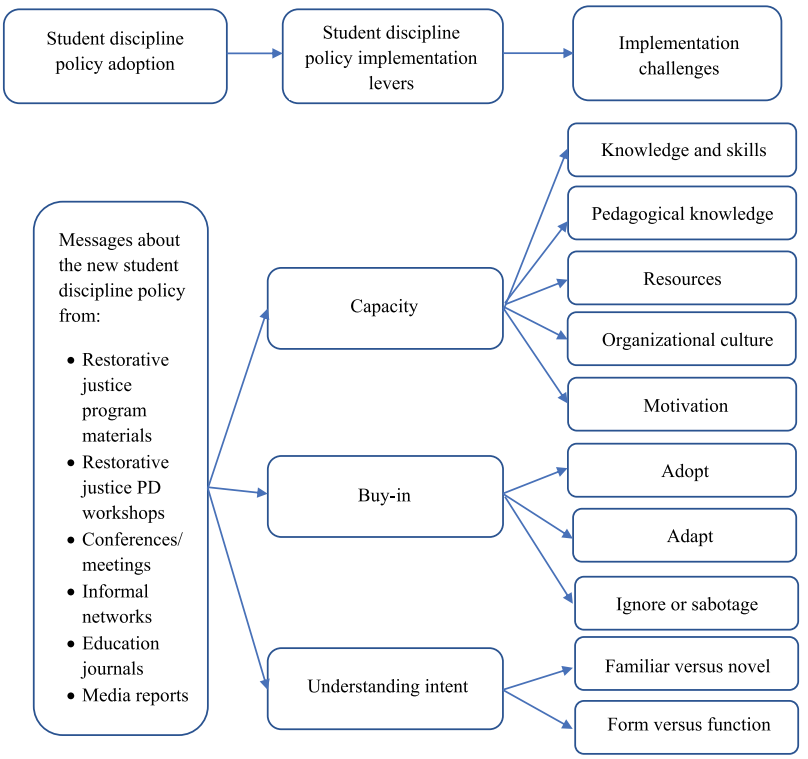

Figure 1. Triadic framework of policy implementation. Adapted from Smith & Thier 2017.

policy adoption stage, messages about the new policy come from a range of sources, some of which may be informational (e.g., program materials, professional development workshops, conferences/meetings), while other sources (e.g., informal networks, education journals, media reports) may offer opinions (negative or positive) about the policy's effectiveness. In the case of our study schools, we would expect that messages about restorative justice would be mixed, as some schools that have adopted this student discipline approach have found success while others have struggled, as noted above.

Smith and Thier's (2017) framework combines three strands of policy implementation research, grouping implementation into three constructs: *capacity, buy-in*, and *understanding of intent*. The construct of *capacity*, the first rung of Smith and Thier's (2017) triadic model, draws on Gross, Giaquinta, and Bernstein's (1971) formative work that identified five organizational factors that impact policy implementation: understanding of the expected change, pedagogical knowledge, resources, fit between organizational culture and the policy, and motivation. In the case of student discipline policy, we anticipate that materials about the restorative justice approach will be plentiful and motivation and fit with organizational culture may be strong in some of the schools, while lack of understanding of the expected change and limited pedagogical knowledge may serve as barriers to effective implementation.

The second rung of Smith and Thier's (2017) model, *buy-in*, blends McLaughlin's (1987) seminal focus on the role of individuals over organizations in implementing policies with Spillane and Callahan's (2000) focus on implementers' willingness to adopt a new policy compared to the tendency "to ignore, sabotage, or adapt interventions to fit their local agendas and preferences" (p. 402). For our study sample of intentionally diverse charter schools, we hypothesize that teachers may work to adapt restorative justice practices to their context, but that the missions of serving diverse students underpinning the sample schools may mean limited attempts to sabotage or ignore the new student discipline policy, as teachers are hired on the basis of their alignment with the schools' missions.

Finally, *understanding of intent* adds the third rung to Smith and Thier's (2017) model, namely the tendency to focus on the familiar over the novel and to prioritize form over function (Spillane, 2000; Spillane & Callhan, 2000). In implementing a student discipline policy with a dramatically different approach than the implementing teachers may have experienced themselves as students, and as teachers, may lead them to implement a hybrid form of restorative justice that relies on some of the familiar aspects of exclusionary discipline approaches. Alternatively, teachers may go through the motions of the restorative justice approach without fully embracing its functionality.

Materials and Methods

This study employs a convergent mixed-methods design, wherein qualitative and quantitative data were collected concurrently before being merged for final analysis (Creswell & Plano Clark, 2007). By including both types of data, from a variety of sources, we have a more robust understanding than would be possible with either type of data alone (Creswell & Plano Clark, 2007; Fetters, Curry, & Creswell, 2013) to explore the following research questions:

(1) What are schools' experiences with implementing restorative justice?
   (a) What enables and hinders these schools' policy implementation of restorative justice as a new discipline policy?
(2) How is restorative justice reflected in school discipline policies?
(3) How is implementation of restorative justice related to disciplinary outcomes?

The sample consists of 28 intentionally diverse charter school campuses across five regions of the U.S. These schools are operated by a mix of charter management organizations (CMO) and

Table 1. Study sample.

		School Type		# of Schools		Grade Levels		Student demographics						
State	Region	CMO	Ind	1–2	3+	ES	MS	HS	% W	% B	% H	% FRL	% SPED	% EL
CA	Bay Area	1	0	0	1	1	1	1	20	4	51	54	12	12
	LA	3	2	3	2	5	5	2	38	7	34	37	12	11
	San Diego	1	0	0	1	0	1	1	33	6	48	45	12	10
CO	Denver	1	0	0	1	0	1	1	17	17	55	69	4	17
NY	Brooklyn	2	2	3	1	3	4	1	38	30	21	44	23	4
	Totals	**8**	**4**	**5**	**7**	**9**	**12**	**6**						

Table 2. Sample demographics, sample and comparison schools, 2016/17.

	New York*		Colorado⁜		California+	
	Sample	Comparison	Sample	Comparison	Sample	Comparison
Student race/ethnicity						
Black	30.3	43.4	15.7	12.9	5.5	8.2
Latinx	21.3	28.8	56.0	65.0	47.0	58.9
Asian	4.5	11.1	4.7	2.0	10.0	13.6
White	38.3	14.5	18.2	15.5	30.3	16.1
Other✢	5.5	2.2	5.5	4.6	9.5	4.9
FRPL	41.5	73.1	69.6	74.5	43.2	63.3
Total Schools	4	415	12	89	30	1,363

The table reports mean percentage of respective variables for sample and comparison schools in each jurisdiction for 2016–17.
*Comparison schools are schools attended by students who are observationally equivalent to sample school enrollees
⁜ Comparison schools are all schools attended by intentionally diverse charter school applicants not admitted through a random lottery. Comparison schools include traditional public schools and charter schools.
+Comparison schools are schools within a 5-mile radius of sample schools and include students in grades K-12. Enrollment share by subgroup equals more than 100 because of rounding error.
✢Includes- American Indian and Alaska Native; Native Hawaiian or other Pacific Islander; Two or more races

independent operators. The regions included three in California (Los Angeles, San Diego County, and the Bay Area); one in Denver, Colorado; and one in Brooklyn, New York. All of the sample schools met three criteria: (1) they were in operation for at least three years as of 2016–17, (2) they were members of the Diverse Charter Schools Coalition,[1] and (3) they had an explicit commitment to diversity in their mission statements.[2] These schools varied in the populations they served, as shown in Table 1.

Our quantitative analysis includes 46 intentionally diverse charter schools, inclusive of the 28 schools from our qualitative analysis, as well as a set of over 1500 comparison schools (both traditional public and charter). The criteria used to define comparison schools varied across contexts based on data availability: in Colorado they were all schools attended by applicants to intentionally diverse charter schools who were not admitted via random lottery; in California they were all public schools located within a 5-mile radius of sample schools; and in New York, they were schools attended by students who were observationally equivalent to those enrolled in intentionally diverse charter schools.

As shown in Table 2, sample schools are located in or near districts where the majority of students are Black or Latinx and the vast majority of students are economically disadvantaged (as indicated by eligibility for free or reduced-price lunch). Intentionally diverse charter schools differ from comparison schools across a number of dimensions. Perhaps not surprisingly given their mission, intentionally diverse charter schools are more racially diverse than comparison schools – for example, in all jurisdictions, intentionally diverse charter schools tend to enroll higher percentages of White students and lower percentages of economically disadvantaged students. These are key differences that must be accounted for when trying to discern the effects of intentionally diverse charter schools on disciplinary outcomes.

Data Collection

There were two phases of qualitative data collection. During the first phase, we interviewed leaders (n = 70) from CMO home offices and independent charter schools. In the second phase, we visited each school to uncover strategies for achieving school missions and goals around intentional diversity as well as practices such as restorative justice. Our modes of data collection included single interviews with school principals and their leadership teams (n = 101) and focus groups with teachers and teacher leadership teams (n = 40). Interviews and focus groups followed semi-structured protocols (Patton, 2002) developed by the research team, with questions tailored to the participants' role in the organization. In addition, archival data from the schools were collected. These included the schools' codes of conduct, retrieved from the schools' websites or provided during the site visit. This study was approved by the College Institutional Review Board #18159 as well as that of the school districts under study.

Quantitative data collection varied by location. In Colorado, we use student-level administrative data on student demographics, program information (English Learner, special education status, etc.), and suspensions provided by a local department of education. We were unable to obtain access to student-level discipline data for our three jurisdictions in California or New York and so rely on publicly available data for these jurisdictions. In California, we use school-level demographic and discipline data from 2012–2017 from the California Department of Education and in New York, we use school-level data on discipline from the 2016 Civil Rights Data Collection combined with school-level characteristics, such as enrollment, demographic, and teacher characteristics, from the New York State Department of Education.

Data Analysis

All qualitative data were recorded, transcribed, and coded with a mix of deductive and inductive approaches (Miles, Huberman, & Saldana, 2013), creating an initial coding list based on the interview topics and questions and then comparing incidents to properties of a given category, refining and redefining the categories as new information emerged (Charmaz, 2006). Research team members worked collaboratively to increase inter-rater reliability. We also conducted a content analysis of the study schools' codes of conduct in order to explore the level of integration of restorative justice language used in policy documents. We applied a series of keyword search terms associated with restorative justice, such as "restorative," "justice," "practices," "restore," "mediation," and "circles," to the full text and coded excerpts as restorative justice or other disciplinary approach (see Table 3).

We used descriptive and inferential statistics to analyze the quantitative data, comparing discipline and attendance outcomes among participant schools and comparison schools as well as between intentionally diverse charter schools with different levels of restorative justice implementation. While the specifics of our models differ across districts based on data availability, we use regression analysis in all jurisdictions to account for as many underlying differences between the sample and comparison schools as possible. In Colorado, where we have access to student-level application and discipline data, we employ a lottery design to compare the outcomes of students who applied to and were admitted to intentionally diverse charter schools with students who were not admitted. In California and New York where we rely on school-level data, we used multiple regressing analysis and control for as many possible confounding factors as possible including school size, grade level, racial composition, and poverty. See Table 4 for a description of specific data and analyses used in each jurisdiction. We used triangulation to compare qualitative and quantitative data, followed by interpretation of trends across data sources (Creswell & Plano Clark, 2007).

Table 3. Codes of conduct keywords.

Jurisdiction	Type	Restorative Justice (abridged)	Exclusionary discipline (abridged)	Social emotional learning (abridged)
Bay Area, CA	CMO	"restorative practices, framework of relationship maintenance and reconciliation, build empathy in individuals who violate expectations and cause harm to the community, logical consequences"	"procedures for suspension and expulsion, actions such as harassment, intimidation, discrimination, and bullying"	
Brooklyn, NY	CMO	"consistent, school-wide restorative practices," entire section dedicated to a "Restorative Approach to Discipline"	"Assigning consequences is the least desired option"	SEL section: "We achieve this through fostering staff mindsets and capacity to respond to student behaviors compassionately, restoratively, and equitably"
Brooklyn, NY	CMO	"restorative justice activities that promote accountability, repair harm, and restore relationships"	"Infractions that require mandatory short or long term suspensions include insubordination, obscene/ abusive language/gestures, failure to complete assignments, carry out directions, or comply with disciplinary sanctions"	
Brooklyn, NY	Independent	"growth-based . . . empowering students, learn from mistakes and contribute to the school community, minimizes amount of time students removed from classrooms for misbehavior."	Tiered discipline model includes: Infraction, Teacher Moves, Interventions, Restorations, and Support, Consequences include suspensions and expulsions	
Brooklyn, NY	Independent	"take ownership of their behavior, making amends for any violation, and learning from the experience . . . seek the restoration of community trust and relationships."		
Denver, CO	CMO	"restorative circle." "community restorations"	Restorative justice used prior to suspension and expulsion	
Los Angeles, CA	CMO	"development of a community repair plan . . . maintaining all students' dignity rather than shaming or blaming them"	"provide learning opportunities for misbehavior rather than immediately suspending or expelling a student"	"students will be explicitly taught peacemaking, conflict resolution skills/strategies, and anti-bullying tools. Time will be devoted to social emotional development for each student." "All staff will receive PD related to conflict resolution, social emotional development, community-building, and classroom management."
Los Angeles, CA	CMO	"restorative approach, respect for students . . . reflect on community impact of actions, consequences proceed logically from actions."	"accountability infraction system leads to automatic detentions after 3 infractions, 3 more infractions leads to suspension"	
Los Angeles, CA	CMO	Table of infractions with 3 categories of consequences: Reflection, Repair, or Reconnection.	Reconnection includes more punitive consequences	

(*Continued*)

Table 3. (Continued).

Jurisdiction	Type	Restorative Justice (abridged)	Exclusionary discipline (abridged)	Social emotional learning (abridged)
Los Angeles, CA	Independent	"restorative practices, collaborate, develop classroom management system appropriate for age level, help students understand and integrate guidelines and rules into daily activities"		
Los Angeles, CA	Independent		4 level progressive disciplinary system	
San Diego, CA	CMO	"restorative practices"		Information about approach to SEL, including "constructive choices about personal behavior" and "social and emotional development specialists"

Table 4. Summary of quantitative data and analysis.

Quantitative data	California	Colorado	New York
Level of analysis	School-year	Student-year	School-year
Sample	Sample charter schools and schools serving overlapping grades located within 5 miles of each sample school From 2012–13 to 2016–17	All students who list at least one sample charter school on their application from 2013–14 to 2016–17	Sample schools and schools attended by observationally equivalent students, 2015–16
Research design	Multiple regression with fixed effects	Lottery design	Multiple regression
Outcome measures	Suspension Rates for all students Suspension rates by race/ethnicity	Indicator for suspension	In school suspension rates, all students In school suspension rates by race/ethnicity Out of school suspension rates, all students Out of school suspension rates, by race/ethnicity
Control variables	Total enrollment Racial/demographic composition Percent economically disadvantaged Percent female Total enrollment Indicators for grade configuration Year effects District fixed effects	Gender Race/ethnicity Baseline characteristics: eligibility for part-time special education and ELL classification Baseline outcomes Grade effects Year effects Propensity score effects	Total Enrollment Racial/ethnic composition Percent economically disadvantaged Percent Female Percent of teachers with no valid certification Percent of teachers teaching outside of certification Percent of teachers with less than 3 years' experience Percent of teachers with master's degree plus 30 hours or doctorate Percent of classes taught by teachers without appropriate certification Indicators for elementary and high school Community school district fixed effects

Results

We will first discuss our sample schools' experiences with implementing restorative justice (RQ1), specifically the messages they received about the reform as well as the enablers and hindrances to the implementation of the new discipline policy. Next, we will examine how restorative justice is reflected in school discipline policies (RQ2) such as codes of conduct. Last, we will explore how implementation of restorative justice is related to disciplinary outcomes (RQ3) such as in school and out of school suspensions, particularly for groups historically over-represented in exclusionary discipline practices.

Implementation Experiences

Sample schools received messages about restorative justice from a variety of sources; some informational and others that offered opinions about the policy's effectiveness. In addition, sample schools encountered challenges with capacity, buy-in and understanding intent during implementation of restorative justice.

Messages about the Policy

Informational sources were mostly provided via professional development in schools. Multiple schools engaged in book clubs about restorative justice or a related topic as a way to introduce the practice. For example, a New York participant reported that staff were asked to read *Circle in the Square* by Nancy Riestenberg, a book focused specifically on restorative justice in schools. In Colorado, a participant reported that the school asked staff to read *Just Like Us* by Helen Thorpe about undocumented girls coming of age in the U.S. in attempts to address bias in discipline as well.

Sample schools were not always able to train everyone in the school or network at once and so they often began implementation by training a select group. For example, in some schools, members of the leadership team such as deans and guidance counselors were first sent to outside training so that they could model and share what they learned with school staff. In Colorado, they started restorative justice professional development (PD) with the leadership team and then planned to bridge out to grade level or "house" leaders. Other schools started with support staff such as teaching assistants (TAs). A California participant reported that the school trained TAs in restorative justice so that they could provide support to students during recess. Select groups of teachers were also trained in some schools. In New York, teachers who were trained were asked to pilot restorative justice in their classrooms.

Some schools also offered in-house PD provided by staff members. A study school in New York has a restorative justice committee that leads PD with staff and works with teachers and classes that are having conflicts. They also reported that they planned to train students to facilitate restorative circles and take on leadership roles in restorative justice implementation. Likewise, a participant from another study school in New York reported that the school trains peer mediators so they can help resolve conflicts. They also serve as greeters at school. A third New York participant reported that the school conducted PD sessions with staff in which they reviewed discipline data in order to identify and track disparities and begin to think about how bias might play a role. Sample schools also spoke of providing training during regular staff meetings.

Schools also took advantage of informal networks as sources of information about restorative justice. For example, a school in New York met with other like-minded local schools that had already begun implementation and planned inter-visitations in year two to observe restorative justice in action. Thus, schools were most likely to receive messages about restorative justice through formal PD in the form of book clubs, sending out a select few staff members to be trained or doing in house trainings which were largely informational in nature. In addition, schools leveraged relationships with other schools who were also implementing

restorative justice so that they could conduct observations and offer opinions about their experience.

Implementation Factors

As portrayed in our conceptual framework, implementation factors include capacity, buy-in and understanding the intent of a reform.

Capacity. When capacity was limited, teachers developed misunderstandings about the reform, most often due to limited training and staffing to implement the reform. In some schools, teachers were expected to use restorative practices without the appropriate training and support. They were encouraged to call on deans and other leadership team members who had been trained for extreme situations, but they were not always available. As one teacher in a study school in California said, "I did have to send out for a dean, but the dean wasn't available which happens a lot. Students get sent to the office and then, five minutes later, they're back here in the classroom. That's very discouraging to teachers." It also proved to be important that school leadership was committed to the reform but when there was turnover in leadership such as in another California school, restorative justice was difficult to sustain over time.

Limitations in capacity went hand-in-hand with limitations in pedagogical knowledge in schools where not everyone received the same training. Some schools tried to address this by folding restorative justice training into already existing training around anti-racism. For example, a dean from a study school in California stated that they began their professional learning around restorative justice with an "identity breaking process in which we went through an identity web and participated in an empathy interview with another of our peers in order to start identifying biases" suggesting that restorative justice was primarily implemented as a way to address racial disparities in discipline.

The organizational culture of the school or network proved to be important for restorative justice implementation. Intentionally diverse charter schools were largely attracted to restorative justice because they found it to be well aligned with their missions of diversity, equity, and inclusiveness, especially in response to more traditional forms of discipline such as "no excuses" that they may have used in the past. For example, a school leader in California explained that when the school initially was formed, "we had a very traditional discipline system but we found that it wasn't in line with the values we were trying to teach. The school is built on a community and it didn't seem consistent to exclude people." This alignment was particularly well defined in schools with strong cultures in which their mission was well integrated within all aspects of the school community. Staff from these schools spoke of the ways in which other initiatives such as culturally responsive pedagogy, social emotional learning and anti-bias training were supportive of restorative justice, suggesting a sense of shared values in the implementation of the reforms. For example, a leader from a study school in New York stated:

> We have a restorative justice model with circles and a [social emotional learning] curriculum. We've really embedded the diversity learning throughout our course material. In the second year [of restorative justice implementation], our middle school has had zero suspensions and it shows that when you take that mindset and just integrate it throughout, the change that is possible.

However, some schools struggled with implementation due to an organizational culture of jumping from one initiative to the next. In New York, teachers in a focus group described a pattern in which professional development was haphazard and initiatives were not given enough time to implement fully. A teacher shared: "Last year, we had a book club for restorative justice and it was like we read the back of the book and thought 'Oh that's a good idea'. And then we started to install something without . . . laying the groundwork."

As we hypothesized, teachers reported being motivated to implement restorative justice because it was well aligned with the missions of their schools. They were sometimes hired precisely because they had experience with the reform. That motivation was strengthened when they became aware of discipline disparities at their schools and saw restorative justice as a way to reduce those disparities.

Almost all sample schools spoke of using data to identify and track discipline disparities which increased their motivation to implement restorative justice. They often noted that male students of color and students with disabilities were most often suspended even after the implementation of restorative justice. One participant from a study school in California reported that they used multiple sources of data to address discipline disparities. On their network-wide tracker, they found that mostly Latinx males were receiving suspensions and so they used a state level dashboard to design targeted interventions including restorative justice to address it. Similarly, a participant from a New York study school reported that they used a colored dot system for students with disabilities and determined that they needed to work more intensively with staff in taking students' Individualized Education Plans (IEPs) into account when enforcing discipline policies such as restorative justice. Another participant from a California school reported that they tracked discipline data by race, disability and English learner (EL) status. They also had a "services tracker" and the Student Affairs team met every week to review the services students were receiving to ensure that they were addressing any discipline disparities which motivated them to keep working at implementation of restorative justice as well.

Sample schools also spoke of tracking data on teacher bias which contributed to motivation to implement restorative justice as well. For example, a participant from a California school reported that they tracked suspensions and expulsions by the race of students and teachers and determined that bias was an issue amongst White teachers so they instituted weekly check-ins between school leadership and teachers to discuss discipline data. In Colorado, they also conducted "disproportionality analyses" by race, gender and teacher assignment with a particular focus on which teachers were giving the most suspensions. They met weekly as a culture team to analyze suspension and referral data. They tracked what they call refocuses (or detentions) and found that mostly Black girls were receiving them for inappropriate language and so they began to think about how teacher bias might play a role.

Despite the focus on data in sample schools and its engendering of motivation to implement restorative justice, some stakeholders shared that the data was not shared beyond the school leadership team and was not always acted upon. The principal at a New York school said that she wanted to share the data with teachers but she did not feel she had adequate time to do so. Teachers in California stated that even though data on infractions was collected, students were not disciplined consistently for their infractions.

Materials about the restorative justice approach were somewhat plentiful and the motivation and fit with organizational culture was strong in some schools. However, schools experienced challenges with building capacity around restorative justice. While they most often received messages about the new discipline policy from professional development, not everyone had the opportunity to receive direct training. Further, even when leadership was trained, they were not always available to support teachers in the classroom which led to frustration. When schools' missions were well aligned with restorative justice, teachers felt more motivated to implement the discipline policy. These schools also aligned their hiring practices with the discipline policy to ensure they built capacity on their staff. Teachers in schools that tracked data on bias were also more motivated to implement the policy but questioned how the findings were used to improve their interactions with students.

Buy-in. When there was resistance on the part of stakeholders, they often engaged in efforts to adapt, ignore or sabotage the new discipline policy. As found by Liberman and Katz (2017), an obstacle to smooth implementation of restorative justice is the belief that the reform is "soft on students." Some of our interviewees stated that they did not feel that restorative justice was appropriate in all circumstances and for all infractions and so they felt the need to adapt it. A school leader in Colorado stated that restorative justice was actually *most* effective when paired with more traditional models. "We definitely do use suspension but I think our practices are centered around restorative justice. They're just so much more effective when coupled *with* [traditional models of] discipline. They're not opposing, they're mutually dependent." Further, a school in New York paired Dean's List, a more traditional points-based system, with restorative justice because they felt it was more palatable to

teachers who might be resistant to the new policy. They found that students responded well to incentives such as going off campus for lunch, trading in points earned for items at the school store, not having to wear a uniform and using electronics on Fun Fridays. However, teachers voiced that it could be confusing to use both systems simultaneously.

There was also variation in how teachers responded to the reform in their individual classrooms causing them to ignore the reform or engage in passive compliance or passive resistance. Teachers in California openly disagreed with their executive director, stating that restorative justice was not effective for every offense and noting that they still preferred suspensions in more extreme cases. As one teacher said:

> Our executive director is very anti-suspension but sometimes I think it's necessary. I understand it goes on their record but if a kid gets into a fight, they need to be suspended. If a kid is making threats or puts his hands on a teacher, they need to be suspended.

When a teacher in California became frustrated with the limited availability of leadership to implement restorative justice in her classroom, she chose to stop referring students and opted to handle higher level offenses on her own in her classroom, a form of passive resistance.

Some of our sample schools engaged in adapting or ignoring the new discipline policy but we found few if any examples of sabotage or active opposition, most likely due to the intentionally diverse context which is aligned with the principles of restorative justice. In addition, teachers were often hired in part due to their alignment and previous experience with restorative justice so the sample was somewhat self-selecting in that way. Schools that adapted the new discipline policy coupled restorative justice practices with a more traditional model of student discipline, especially for extreme infractions.

Understanding Intent. When stakeholders misunderstand intent, implementation falters due to a tendency to embrace the familiar (such as more traditional discipline approaches) over novel and to prioritize form over function in which they go through the motions without truly embracing the functionality of the new policy. As such, a school leader in New York stated that restorative justice was not effective for all students in her school. She shared: "Restorative justice works for probably 80% of the kids. For another 15% we need to add something else, and for 5%, it's not working at all and they need something much more structured above that." She went on to say that students and families often struggle with restorative justice because they find it to be vastly different from what they do at home, suggesting a tendency to focus on the familiar over novel. Participants felt this could possibly be addressed through developing a school culture around restorative justice and its principles. As a participant from a study school in California stated, "I do think that over time and as we continue to build a culture at our school that's designed around the restorative justice model we will get more buy-in from parents."

Staff from a study school in New York were also unsure that restorative justice practices would be as effective as the more traditional discipline model they had been using. As a school leader described, "Sometimes in the moment you have people who just want to see a response. They want a consequence . . . because positive discipline doesn't sound like discipline, you know?" She felt that a mind-set shift was necessary to combat this resistance. She went on to explain:

> If you've done something wrong and disrespected my room, you get something for it. That's how it is in the real world. There's always that group of teachers who are going to say, 'But are we really setting them up for the real world?'

As mentioned above, schools often engaged in an adaptation of the reform by coupling it with a more traditional discipline model. In other cases, schools used restorative justice in response to infractions rather than as a preventative measure. A dean in California spoke of developing a restorative justice based curriculum to be used *during* in school suspensions. In the original program design of restorative justice, suspensions are a last resort and restorative practices are to be conducted in community through circles or conferences. While this practice seems to be antithetical to the original

program design, it could also be seen as a sign of prioritizing form over function in that some school leaders and teachers were going through the motions of using restorative practices without fully embracing their functionality. Another example of this was a California school in which deans were responsible for developing restorative projects for students to complete when they committed an infraction. Students were asked to "research the impact of their actions on themselves and the community" and present it to their parents and other members of the community for more extreme disciplinary issues. School leaders strived to align the projects with the infraction so that graffiti might call for cleanup duty in the hallways, for example. Similarly, another participant reported having students do a research project on the differences between equity and equality and present to peers when they treated others unfairly.

As our sample schools worked to implement restorative justice, an understanding of the intent of the school discipline policy facilitated a smooth shift from a more exclusionary discipline policy. In cases where understanding was lacking, staff tended to focus on the familiar over the novel or go through the motions of using restorative practices without fully embracing their functionality.

Codes of Conduct

We reviewed our sample schools' codes of conduct to determine to what extent restorative justice was reflected in these documents (see Table 2). We found that all but one of our sample schools had some mention of restorative justice in their code of conduct but there was a range in the extent of restorative language used. For example, a code of conduct from a study school in New York stated: "After a student violates a rule/expectation, students take ownership of their behavior, making amends for any violation, and learning from the experience. We also seek the restoration of community trust and relationships." A study school in California stipulated in its code of conduct that schools "develop a classroom management system that is appropriate for the age level and helps students understand and integrate guidelines and rules into daily activities." These schools often included language about social and emotional learning in their codes of conduct as well and even touched on professional learning for teachers such as in a code of conduct from a study school in New York, which stated, "We achieve this through fostering staff mindsets and capacity to respond to student behaviors compassionately, restoratively, and equitably."

As stated above, in some schools, restorative justice was implemented alongside more exclusionary discipline practices, which was evident in their policy documents as well. For example, a study school in Colorado lists "restorative circles" as one of five disciplinary consequences used prior to expulsion in its code of conduct. Similarly, the code of conduct from a study school in California included "restorative practices," a "framework of relationship maintenance and reconciliation," "building empathy in individuals who violate expectations and cause harm to the community" and "logical consequences" but also included "procedures for suspension and expulsion [for] actions such as harassment, intimidation, discrimination, and bullying," suggesting that restorative justice was not a sufficient response to the most extreme offenses. Further, the code of conduct from a study school in New York stated that they use "restorative justice activities that promote accountability, repair harm, and restore relationships" but also listed "infractions that require mandatory short or long-term suspensions including insubordination, obscene/abusive language/gestures, failure to complete assignments, carry out directions, or comply with disciplinary sanctions."

When the mission of the organization was not as well defined and integrated throughout the school community and in the code of conduct, sample schools were more likely to engage in the use of multiple discipline policies. For example, interviewees at a New York school reported that their school's code of conduct and student discipline policies were not yet in line with their purported mission. As a dean noted, "I do think that reworking the code of conduct to reflect our diverse by design [mission], and reflect [the needs of] our students with disabilities, and reflect who we want to be would behoove us." This school's approach to implementation proved to be

a challenge because the other discipline models they used did not align well with restorative justice. In addition, the school had not fully developed its mission so there was not yet a shared sense of values in the faculty and staff. Thus, teachers were not really using the practices in their classrooms but were relying on school leadership to do so. As a result, they did not feel restorative justice was effective because the implementation was not consistent and there were no shared values about the reform.

Interestingly, schools implementing multiple discipline approaches almost always included exclusionary discipline practices in their codes of conduct for more severe offenses, suggesting that they did not think restorative justice was effective in all cases. This sentiment was confirmed in interviews with teachers and school leaders. Many codes of conduct also spoke of "logical consequences" for restorative justice and distinguished them from the types of consequences associated with exclusionary discipline. For example, the code of conduct from a study school in California includes a "restorative approach [with] respect for students [in which they] reflect on the community impact of their actions and consequences proceed logically from actions." However, the code of conduct also included an "accountability infraction system that leads to automatic detentions after three infractions. Three more infractions lead to suspension." Similarly, the code of conduct from a study school in Colorado lists "restorative circles" as one of five disciplinary consequences used prior to expulsion, suggesting some level of misunderstanding about or adaptation of the reform during the implementation process.

Disciplinary Outcomes

The mixed and uneven implementation of restorative justice across sample schools reported in the qualitative findings is reflected in our quantitative analysis where we find that intentionally diverse charter schools in 3 out of 5 jurisdictions have lower suspension rates overall, while in 4 out of 5 jurisdictions these schools had lower suspension rates for particular subgroups. More specifically, intentionally diverse charter schools in both the Bay Area and Denver had lower suspensions overall,

Table 5. Disciplinary Outcomes, California, AY 2013–2017.

	(1)	(2)	(3)	(4)	(5)
VARIABLES	All students	Black	Latinx	Asian	White
Panel A: Bay Area					
Sample schools	−3.321***	−3.835	−3.248***	−1.841	−2.765***
	(0.822)	(2.530)	(0.863)	(1.368)	(0.840)
Observations	2,327	1,264	2,312	1,987	1,769
R-squared	0.432	0.389	0.435	0.289	0.313
Panel B: Los Angeles					
Sample schools	−0.383	−1.116	0.202	0.588	−0.147
	(0.325)	(0.755)	(0.393)	(0.382)	(0.272)
Observations	3,506	2,648	3,483	1,982	2,277
R-squared	0.278	0.280	0.254	0.226	0.247
Panel C: San Diego					
Sample schools	−0.719	−2.993**	0.015	0.277	−0.593
	(0.632)	(1.393)	(0.703)	(1.378)	(0.676)
Observations	687	683	568	573	664
R-squared	0.432	0.416	0.372	0.318	0.363

Robust standard errors in parentheses

*** $p < .01$, ** $p < .05$, * $p < .1$

Sample schools is an indicator that is equal to 1 if school is an intentionally diverse charter school in our sample and 0 otherwise. Coefficients on this variable show how sample IDC schools perform on the outcome relative to comparison schools. All models include controls for school racial/ethnic composition, percent of students eligible for free or reduced-price lunch, percent of students who are female, total enrollment, and grade span. Models also include year and district fixed effects.

Table 6. Disciplinary outcomes, New York, AY 2016.

	(1)	(2)	(3)	(4)	(5)
VARIABLES	All students	Black	Latinx	Asian	White
Panel A: In school suspensions					
Sample schools	−0.100	0.527	0.059	0.592	4.472
	(2.128)	(3.298)	(2.085)	(2.630)	(4.348)
Constant	10.367	49.419	16.134	−12.618	75.007
	(29.544)	(45.779)	(28.912)	(36.490)	(61.765)
Observations	419	419	418	418	403
R-squared	0.325	0.216	0.235	0.085	0.047
Panel B: Out of school suspensions					
Sample schools	−2.777*	0.494	−3.440**	−0.311	−1.784
	(1.484)	(2.259)	(1.749)	(2.191)	(4.547)
Observations	419	419	418	418	403
R-squared	0.563	0.399	0.352	0.161	0.073

Robust standard errors in parentheses
*** $p < .01$, ** $p < .05$, * $p < .1$
Sample schools is an indicator that is equal to 1 if school is an intentionally diverse charter school in our sample and 0 otherwise. Coefficients on this variable show how sample IDC schools perform on the outcome relative to comparison schools. All models include controls for school racial/ethnic composition, percent of students eligible for free or reduced-price lunch, percent of students who are female, total enrollment, grade span, and teacher characteristics. Models also include community school district fixed effects.

Table 7. Effects of intentionally diverse charter school enrollment on suspensions, Colorado, 2014–2017.

	(1)	(2)	(3)	(4)	(5)
DV: Any suspension	All students	Black	Latinx	Asian	White
Years attended intentionally diverse charter school	−0.012**	−0.063***	−0.008	−0.033*	0.005
	(0.006)	(0.020)	(0.007)	(0.018)	(0.010)
Observations	9,387	1,812	5,040	790	1,745
R-squared	0.056	0.124	0.053	0.153	0.113

Robust standard errors in parentheses
*** $p < .01$, ** $p < .05$, * $p < .1$
Years attended intentionally diverse charter school is equal to the cumulative number of years a student has been enrolled in an intentionally diverse charter school to year t and is instrumented using an indicator of charter offer. All models include controls for gender, race, baseline special education and ELL status, an indicator for whether the student attended a charter school at baseline, application year, grade, and year effects. All models also include propensity score fixed effects, so that comparisons are between students with the same probability of an admission offer.

with no statistically significant differences observed in San Diego, Los Angeles, or New York City. Intentionally diverse charter schools in San Diego, the Bay Area, New York City, and Denver also had lower suspension rates among particular subgroups, although the extent to which these might have decreased discipline disparities also differed. For example, in the Bay Area, suspension rates for White students were lower than in comparison schools, which suggests that RJ might be slightly increasing disparities between White and Black students (Table 5, Panel A). However, intentionally diverse charter schools in the Bay Area also had lower suspension rates for Latinx students than comparison schools, although these were roughly on par with the reductions in suspension rates among White students and therefore may not reduce Latinx-White gaps. Sample schools in NYC also had lower out of school suspension rates among Latinx students than comparison schools (Table 6), but no other significant differences among other racial/ethnic groups so that Latinx-White gaps may be decreasing somewhat in these schools. In San Diego, the sample schools have lower suspension rates among Black students than comparison schools with no significant differences for other racial groups (Table 5, Panel C). In Colorado, where we have student-level data, we see clear evidence that intentionally

diverse charter schools may be reducing Black-White discipline gaps (see Table 7). Here, we find that additional year at an intentionally diverse charter school in Colorado reduced the probability of an in-school suspensions by 1.2 percentage points (see Table 3). Importantly, the reduced probability of being suspended was concentrated among Black students, for whom each additional year enrolled in an IDCS reduces the probability of in school suspensions by 6.3 percentage points. As mentioned above, teachers and school leaders found these decreases in suspensions and in discipline disparities motivating during implementation. A school leader at a sample school in New York stated, "I think the restorative practices have contributed to reduced suspension rates amongst Black and Latino boys because it's taken away a lot of the shame that is associated with discipline."

Discussion

The schools in our study all shared a mission of serving a diverse student body and had opted to implement restorative justice as one way to address the historic disproportionality of exclusionary discipline practices. Restorative justice was embraced by these schools, and by many of the staff, as a discipline policy that aligned well with the organizational culture of the schools. While motivation to implement restorative justice was fairly high among study participants, our data showed a range of implementation factors that hindered successful implementation. The factors varied across schools, geographic locations, and historic backdrop of racial inequality. In some cases, schools lacked the knowledge and skills to fully implement restorative justice, while in other cases, professional development and other resources had not been fully rolled out to all staff. Even in cases where buy-in was strong and few reports of efforts to ignore or sabotage the reform were noted, a full understanding of the intent of restorative justice – and how it might be combined with exclusionary discipline practices for certain infractions – was often lacking. Our study schools reported implementation challenges borne out in the mixed quantitative results.

Policy implementation is the stage of the policy process where aspiration comes to fruition, or where it falters. Policy implementation fidelity ultimately determines outcomes. As McLaughlin (1987) argues in her seminal work on the challenges inherent in policy implementation, "The consequences of even the best planned, best supported, and most promising policy initiatives depend finally on what happens as individuals throughout the policy system interpret and act on them" (p. 172). She further argues that "policymakers can't mandate what matters" (p. 172) as policymakers are typically not the ones implementing a policy and that "organizations don't ... implement change, individuals do" (p. 174). The implications of this truism point to the potential pitfalls of a beautifully crafted policy if those tasked with implementing it either don't have the will or the know-how to do so. In the case of a discipline policy like restorative justice, the substantial differences between this approach to discipline compared to traditional exclusionary approaches speak to the need to provide ongoing school-wide professional development. Partial implementation in which only some stakeholders receive training resulted in frustration in our study schools and is more likely to lead to abandonment of a policy before it is fully implemented.

Including a new policy in school documents helps ensure it becomes institutionalized, "the period during which an innovation is incorporated into the organization" (Gross et al., 1971, p. 71). When a policy has become institutionalized, it is no longer new or special, but just the way things are done. Institutionalization requires thought and planning, it does not just happen naturally. It requires seizing opportunities to integrate the policy into the school's standard operating procedures by such actions as incorporating it into the evaluation plan for teachers, including it in professional development, and, above all, including it as part of the school budget. An unfunded policy will generally peter out once initial enthusiasm has waned, especially if the implementation falters during the early stages.

Our study schools were at different stages of implementing restorative justice; it was too soon to assess whether the new discipline policy would be institutionalized or replaced by a new approach to

discipline in coming years. Longitudinal research is needed to track the implementation of restorative justice in a variety of school settings – charter as well as district-run public schools, single-site schools as well as networks. Future research should also include the voices of students, those who directly feel the change in discipline policy. Research is needed into whether this reform aimed at reducing discipline disparities and increasing a sense of belonging is viewed by students as warranting the time and resources required for full implementation or if they have other ideas about how best to approach student discipline in an era of heightened isolation brought on by the Covid-19 pandemic. As schools work to meet the social-emotional needs of their staff and students, and to rebuild the connections worn thin by the strain of the past two years, student voice is increasingly needed to shape the path forward.

Notes

1. The Diverse Charter Schools Coalition, created in 2014, is a membership organization for charter schools deemed diverse by design based on a review of documents from the nominated charter school including mission statement, diversity data, goals and strategies (e.g., student enrollment preferences and family outreach strategies).
2. This paper is part of a larger study that examined a wide range of practices and outcomes among intentionally diverse charter schools, including student recruitment, teacher professional development, education program, teacher recruitment, and academic outcomes. The data reported here is limited to data related to student discipline practices and outcomes.

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