

Students

Student Discipline: Restorative Justice Approach

Introduction

The Board of Education (Board) desires to prepare students to be caring, competent, critical thinkers and fully-informed, engaged, contributing members of society who are ready to succeed in college and career. The Board expects the district to create a safe and positive school environment in which all students feel accepted, supported, and respected. The Board desires that its disciplinary policies further its mission of serving the whole child, eliminate inequality in the use of punitive consequences, and provide each child with excellent teachers who are equipped to promote academic and behavioral learning.

The Board urges the use of a positive approach to student behavior and the use of preventative and restorative practices to minimize the need for discipline and maximize instructional time for every student. The Board recognizes the importance of developing the social and emotional health of all youth and adults in our school district.

The Board considers Restorative Justice as a set of principles and practices inspired by indigenous values used to build community, respond to harm/conflict and provide individual circles of support for students in District's school. By building, maintaining and restoring relationships between members of the entire school community, the District strives to create an environment in which all students can thrive.

Restorative Justice emphasizes values of empathy, respect, honesty, acceptance, responsibility and accountability. It offers a supportive environment that can improve learning, offers alternatives to suspension and expulsion, and improves safety by preventing future harm.

Purpose

The goal of student discipline is to teach students to behave in ways that contribute to academic achievement and school success, and to support a school environment where students and staff are responsible and respectful.

The purpose of this policy is to support school discipline that:

1. Maintains safe and orderly learning communities;
2. Assures consistency across all schools in the District;
3. Defines and communicates expectations for student behavior;
4. Defines and communicates expectations for staff responsibility related to school discipline;

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Purpose (continued)

5. Balances the needs of the student, the needs of those directly affected by the behavior, and needs of the overall school community;
6. Assures equity across racial, ethnic, and cultural groups, as well as all other protected classes (gender, color, national origin, ancestry, religion, age, disability, sexual orientation, and gender identity and expression).

General Principles

1. School discipline is best accomplished by preventing misbehavior before it occurs, and using effective interventions after it occurs.
2. School safety and academic success are formed and strengthened when all school staff and personnel build positive relationships with students and are actively engaged in their lives and learning.
3. Effective school discipline maximizes the amount of time students spend learning and minimizes the amount of time students cause disruption or are removed from their classrooms due to misbehavior.
4. School discipline should be reasonable, timely, fair, age-appropriate, and should match the severity of the student's misbehavior. School discipline that is paired with meaningful instruction and guidance offers students an opportunity to learn from their mistakes and contribute to the school community, and is more likely to result in getting the student re-engaged in learning.
5. Effective discipline is built on consistent and effective classroom management, and is supported by a positive school climate. The vast majority of disciplinary issues should be addressed at the classroom level by teachers; however, behaviors that cannot be addressed at this level should receive more targeted and intensive interventions, as determined by an individualized assessment.
6. The District serves a diverse community. In order to serve all students and to prepare them to be members of an increasingly diverse community, school and staff must build cultural competence. We must strive to eliminate any institutional racism and any other discrimination that presents barriers to success.

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General Principles (continued)

7. Student conduct which may be subject to disciplinary action includes those occurring during either curricular or extracurricular activities, in classrooms, in the school building, on school grounds, or in school vehicles, when such conduct is detrimental to the school environment and to the welfare or safety of other students or school personnel.

General Statement of the Policy

The District's system of discipline is built on personal accountability, which is understood to mean:

1. Recognizing that misbehavior damages relationships between the person or persons who misbehaved, the person harmed by the behavior, and the community as a whole;
2. Having an opportunity to repair harm done and restore relationships whenever possible, as opposed to excluding the person who misbehaved; and
3. Building personal responsibility by helping individuals develop empathy, self-control, and motivation.

School discipline interventions should be guided by the following principles:

1. Practicing early identification and assessment of struggling students before they fall behind;
2. Using a problem solving process to provide interventions matched to student needs;
3. Ensuring timely progress monitoring and feedback; and
4. Delivering scientific, research-based interventions with fidelity.

The Board desires the District's school to implement a Restorative Justice discipline approach in response to conflict and harm. The Restorative Justice philosophy supported by the Board views misconduct as a violation against people and damaging to relationships in the school and throughout the community. The Board realizes that the school may involve a wide range of people in the Restorative Justice process, including the victims, who are often the teachers, school staff, bystanders, other students and the school community.

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General Statement of the Policy (continued)

The Restorative Justice approach to school discipline is to be implemented through a 3-tier, school-wide model.

Tier 1: Community Building (Prevention/Relate)

Tier I is characterized by the use of social emotional skills and practice (classroom circles) to build relationships, create shared values and guidelines, and promote restorative conversations following behavioral disruption. The goal is to build a caring, intentional, and equitable community with conditions conducive to learning.

Tier 2: Restorative Processes (Intervention/Repair)

Tier 2 is characterized by the use of non-punitive response to harm/conflict such as harm circles, mediation, or family group conferencing to respond to disciplinary issues in a restorative manner. This process addresses the root causes of the harm, supports accountability for the offender, and promotes healing for the victim(s), the offender, and the school community.

Tier 3: Supported Re-entry (Individualized/Re-Integrate)

Tier 3 is characterized by 1:1 support and successful re-entry of youth following suspension, truancy, expulsion or incarceration. The goal is to welcome youth to the school community in a manner that provides wraparound support and promotes student accountability and achievement.

The three main goals of Restorative Justice are:

1. **Accountability.** Restorative justice strategies provide opportunities for wrongdoers to be accountable to those they have harmed, and to enable them to repair the harm they caused to the extent possible.
2. **Community safety.** Restorative justice recognizes the need to keep the school community safe through strategies that build relationships and empower the community to take responsibility for the well-being of its members.
3. **Competency development.** Restorative justice seeks to increase the pro-social skills of those who have harmed others, address underlying factors that lead youth to engage in delinquent behavior, and build on strengths in each young person.

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General Statement of the Policy (continued)

The District will make every reasonable effort to correct student misbehavior through school-based resources at the lowest possible level, and to support students in learning the skills necessary to enhance a positive school environment and avoid negative behavior.

Strategies may include, but are not limited to, conferences which restore the relationships between staff, students and parents/guardians; youth court, mediation, use of study, guidance, or other intervention related teams; enrollment in a program teaching positive social behavior or anger management; and participation in a restorative justice program. Staff shall use preventative measures and positive conflict resolution techniques whenever possible.

District employees must abide by all applicable federal and state statutes and all relevant Board policies and procedures when dealing with disciplinary matters.

Every student is required to follow this policy and any accompanying procedures.

The Superintendent or designee shall provide professional development as necessary to assist staff in developing the skills needed to effectively implement the disciplinary strategies adopted for the District school, including, but not limited to, consistent classroom management skills, effective accountability and positive intervention techniques, and development of strong, cooperative relationships with parents/guardians.

All students are held to high standards of behavior, and adults maintain such standards by teaching, modeling, and monitoring behavior, and by correcting misbehavior as necessary.

The school should minimize the use of in-school suspensions and out-of-school suspensions, recommendations for expulsion, and referrals to law enforcement, to the extent practicable while remaining consistent with state statute, local ordinances, and mandatory reporting laws. It is a goal of the Sterling Public Schools and the Board of Education that the juvenile and criminal justice systems be utilized infrequently to address school-based misconduct.

Discipline procedures must guarantee due process to all students and must be enforced uniformly, fairly, consistently and in a manner that does not discriminate on the basis of ethnicity, race, color, religion, national origin, ancestry, gender, sexual orientation, gender identity or expression, age, or disability.

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General Statement of the Policy (continued)

This policy and any accompanying administrative procedures are intended to help the District eliminate racial and ethnic disparities, and any other protected class disparities, in school discipline, while improving behavior, school climate, and academic achievement for all students.

Accurate and complete data collection is essential for administering an effective school discipline policy. It assists with identifying problems, crafting solutions, and monitoring progress.

The Board of Education hereby adopts this policy and accompanying procedures/regulations as the safe schools plan for the District.

The District shall post this policy on the District website. A copy of this policy and accompanying procedures shall be readily available in the administration office. Copies of this policy, any accompanying procedures/regulations, and school rules will be made available, upon request, to each student and parent/guardian, and, upon request, promptly translated into a language that the parent/guardian can understand.

The Superintendent, or his/her designee, shall develop such procedures and provide for any training necessary as may be needed for the implementation of this policy.

- (cf. 1110.1 – Parent Involvement)
- (cf. 4131 – Staff Development)
- (cf. 5114 – Suspension/Expulsion; Student Due Process)
- (cf. 5131 – Conduct)
- (cf. 5131.1 – Bus Conduct)
- (cf. 5131.6 – Drugs, Alcohol, Tobacco)
- (cf. 5131.7 – Weapons and Dangerous Instruments)
- (cf. 5131.8 – Out of School Grounds Misconduct)
- (cf. 5131.9 – Gang Activity or Association)
- (cf. 5131.911 – Bullying)
- (cf. 5131.913 – Cyberbullying)
- (cf. 5131.92 – Corporal Punishment)
- (cf. 5141.4 – Reporting of Child Abuse and Neglect)
- (cf. 5144 – Discipline/Punishment)
- (cf. 5144.3 – Discipline of Students with Disabilities)
- (cf. 5145.4 – Nondiscrimination)
- (cf. 5145.5 – Sexual Harassment)
- (cf. 5145.52 – Harassment)

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Legal Reference: Connecticut General Statutes
4-177 through 4-180. Contested Cases. Notice. Record, as amended.
10-233a through 10-233f Suspension, removal and expulsion of students,
as periodically amended.
21a-240(9) Definitions.
53a-3 Definitions.
GOALS 2000: Educate America Act, Pub. L. 103-227.
18 U.S.C. 921 Definitions
Title III - Amendments to the Individuals with Disabilities Act Sec. 314
Elementary and Secondary Schools Act of 1968, as amended by the Gun
Free Schools Act of 1994
PL 105-17 The Individuals with Disabilities Act, Amendments of 1997
P.L. 108-446 Individuals with Disabilities Education Improvement Act of
2004
State v. Hardy, 896 A.2d 755, 278 Conn 113 (2006)

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The following procedures are developed for the implementation of Board Policy #5144.12. These procedures are designed to be consistent with the general purpose and principles outlined in the aforementioned policy, as well as consistent with federal and state statutes and regulations.

The District and staff are committed to establishing positive learning environments that ensure that all students have access to a quality education. The District recognizes that a key aspect of maintaining a healthy and safe environment is establishing order and maintaining discipline in our schools. This goal can only be achieved through the cooperative efforts of our school personnel, students, parents, guardians, and our community.

School Discipline Administration

1. Staff training will be provided as needed to ensure that the disciplinary program is effective and that relevant policies and procedures are equitably applied.
2. School district staff responsible for implementing this policy shall do so without discrimination based on ethnicity, race, color, religion, national origin, ancestry, gender, sexual orientation, sexual identity or expression, age or disability.
3. Discipline for students with disabilities shall be in accordance with the student's Individualized Education Program (IEP), any behavior intervention plan, 504 Plan, and Board policy.
4. The District believes that developing strong relationships with families is the first step in establishing safe and healthy schools. The District and staff want to work collaboratively with families to establish positive relationships that aid in the development and achievement of all students. School staff members are encouraged to contact parents early in the school year to proactively establish positive school-home communication and throughout the school year to share student successes and challenges, and develop plans to help students have access to a quality education.
5. The District is committed to eliminating disparity in school discipline with respect to its underserved populations by reducing the number of referrals, suspensions, and expulsions. The staff will engage in restorative practices that enhance school culture and improve discipline systems to address equity. Staff members are specifically charged with monitoring the impact of their actions on students from racial and ethnic groups or other protected classes that have historically been over-represented among those students who are suspended, expelled or referred to law enforcement.

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Student Discipline: Restorative Justice Approach (continued)

Interventions and Consequences

General: Effective school discipline policies promote disciplinary responses that refrain from interrupting a student's education to the extent possible. Schools should minimize the use of suspensions, recommendations for expulsion, and referrals to law enforcement, to the extent practicable while remaining consistent with federal and state statutes, regulations and Board policies.

Reasonable Consequences: Consequences should be reasonable, fair, age-appropriate, and match the severity of the student's misbehavior, as well as consider the impact on the victim and/or community. Consequences that are paired with meaningful instruction and guidance (corrective feedback and re-teaching) offer students an opportunity to learn from their mistakes and contribute back to the school community, and are more likely to result in getting the student re-engaged in learning.

Any use of consequences should be carefully planned with well-defined outcomes in order to provide the greatest benefit. Positive consequences include systematic recognition for appropriate behavior and lead to an increase in that appropriate behavior. Negative consequences are designed to provide feedback to the student that his/her behavior is unacceptable and should not occur again.

Relevant Factors in Making Discipline Decisions: When choosing consequences for student's misbehavior, teachers, administrators and staff must balance the District's goals of eliminating school disruptions and maximizing student instruction time. Prior to disciplining students, the following factors shall be considered:

1. Age, health and disability or special education status of the student.
2. Appropriateness of student's academic placement.
3. Student's prior conduct and record of behavior.
4. Student's attitude.
5. Level of parent/guardian's cooperation and involvement.
6. Student's willingness to repair the harm.
7. Seriousness of the offense and the degree of harm caused.
8. Impact of the incident on overall school community.
9. The availability of prevention programs that are designed to address student misbehavior should also be considered prior to disciplining students.

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Student Discipline: Restorative Justice Approach (continued)

Interventions/Alternative Means of Correction: When misconduct occurs, the school shall investigate the circumstances and gather facts that will help determine appropriate interventions and consequences for that student, with emphasis on correcting student misbehavior through school-based resources at the lowest possible level. Interventions should provide students an opportunity to learn from their mistakes, and reengage the student in learning. All interventions should balance the needs of the student, the needs of those directly affected by the behavior, and the needs of the overall school community.

The school is responsible for incorporating an intervention framework into its planning to reduce referrals and suspensions through pro-active intervention, positive behavioral support, restorative practices, and other non-punitive approaches to discipline focused on maximizing student achievement, reducing behavior problems, and avoiding loss of instructional time through the use of tiered interventions.

Referral of students from the classroom environment for misbehavior should be avoided. The District expects that alternatives to suspension and progressive discipline approaches shall be utilized prior to referring a student out of the classroom. The District expects that alternatives will be undertaken within the classroom except where suspension for certain offenses is permitted by statute and Board policy or where it can be documented that the behavior violation imposes a clear danger to persons.

There are three types of intervention strategies to be considered: Administrative, Restorative, and Skill-based/Therapeutic.

1. **Administrative Strategies** are statutory, rule-based, or contract-based interventions done “to” the offender. These include removal from the classroom, detention, suspension, and expulsion.
2. **Restorative Strategies** are problem solving interventions done “with” the offender. They are driven by justice as much as possible and focus on the harm caused and how it will be repaired. A successful restorative justice strategy may utilize collaboration in interventions with allied agencies and professionals. An assessment of the incident/conduct will be done and a determination will be made by the school or district whether a face-to-face meeting with all parties is appropriate. Examples may include:
 - a. Family group conferencing
 - b. Victim-offender mediation
 - c. Classroom peace circles
 - d. Reparation of harm

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Interventions/Alternative Means of Correction (continued)

3. **Therapeutic/Resource Strategies** are done “by” the offender and require intrinsic motivational behavior change. Such interventions include:
 - a. Mental health counseling
 - b. Anger management classes
 - c. Informal mentoring and behavior coaching

Teachers and administrators should consider utilizing different types of strategies, or multiple strategies simultaneously, to deal with misbehavior, especially for 2nd or 3rd offenses.

Classroom-based Strategies

Classroom-based strategies include, but are not limited to:

1. Explicit re-teaching of behavioral expectations;
2. Separating students;
3. Writing an apology letter;
4. Assignment of additional tasks;
5. Phone call to parent;
6. Keeping students after class;
7. Restorative conference with student(s) or class;
8. Creation of a positive behavior contract;
9. Conference with student;
10. Conference with parent and the student.

School-based Strategies

Students who exhibit a pattern of misbehavior should be provided more intensive support and interventions. Parents should be notified if there is an escalating pattern of misbehavior that could lead to classroom or school removal. Appropriate school-based strategies include, but are not limited to:

1. A conference between school staff and the student and his/her parents/guardians.
2. Referral to a school counselor or other school support service personnel for case management and counseling.
3. Referral for drug or alcohol counseling.
4. Convening of a Student Study Team (SST) or other intervention-related team to assess the behavior and develop and implement an individual plan to address the behavior in partnership with the student and his/her parents/guardians.

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Student Discipline: Restorative Justice Approach (continued)

Interventions/Alternative Means of Correction (continued):

5. When applicable, referral for a comprehensive psychosocial or psychoeducational assessment, including for purposes of creating an individualized education program or a Section 504 plan.
6. Enrollment in a program for teaching social/emotional behavior or anger management.
7. Participation in a restorative justice program or conversation/circle.
8. A positive behavior support approach with tiered interventions that occur during the school day on campus.
9. After-school programs that address specific behavioral issues or expose students to positive activities and behaviors, including, but not limited to, those operated in collaboration with local parent and community groups.
10. Detention after school hours as provided in the section below entitled "Detention After School."
11. Community service as provided in the section below entitled "Community Service."
12. In accordance with Board policy and administrative regulation, restriction or disqualification from participation in extracurricular activities.

Community Service

As part of or instead of disciplinary action, the Board, Superintendent, principal, or principal's designee may, at his/her discretion, require a student to perform community service during non-school hours on school grounds, or, with written permission of the student's parent/guardian, off school grounds. Such service may include, but is not limited to, community or school outdoor beautification, campus betterment, and teacher, peer, or youth assistance programs.

Referrals

The Board desires the adoption of the RTI framework to facilitate a consistent approach for positive, pro-social behavior management. The District expects teachers to attempt RTI interventions prior to making a referral out of the classroom whenever possible.

When a referral out of the classroom is made, the principal or his/her designee must ensure that site staff completed the following:

1. Teacher completed a written referral notification/form;
2. Principal or his/her designee reviewed the referral form and, if warranted, assigned appropriate consequences;

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Referrals (continued)

3. The Principal or his/her designee or teacher contacted the student's parents/guardians and notified them of any consequences;
4. The Principal or his/her designee investigated the reasons for the student's conduct;
5. The Principal or his/her designee recorded the classroom interventions and referral in the District's database.

Notice to Parents/Guardians and Students

At the beginning of the school year, the Superintendent or his/her designee shall notify parents/guardians about the availability of district rules related to discipline.

The Superintendent or his/her designee shall also provide written notice of the rules related to discipline to transfer students at the time of their enrollment in the District.

Annual Review

The district will evaluate and monitor the effectiveness of the school discipline plan using school disciplinary data disaggregated by race, ethnicity and gender of student. This will allow the district to identify areas of need; target areas of concern; access professional development, supports, and services; and revise school procedures as needed.

The district will annually review its school climate. Based on the review, schools will make changes consistent with the intent of this and other policies.

The review will include the following:

1. Intervention and prevention strategies.
2. The number of referrals, in school suspensions, out-of-school suspensions, expulsions, and referrals to law enforcement, disaggregated by race, ethnicity, age, grade, disability, and gender of the students, where available.
3. Differences in referrals among staff members.
4. The extent to which the policy, including but not limited to disciplinary action, is consistently applied to all students.

Based on the review, schools will make changes consistent with the intent of this and other policies.

Regulation approved: July 17, 2019

STERLING PUBLIC SCHOOLS
Sterling, Connecticut