



**Testimony for the New York City Council Committee on Education
Oversight Hearing on the Fiscal Year 2018 Preliminary Budget
March 21, 2017**

Good afternoon. My name is Charlotte Pope and I am the Youth Justice Policy Associate with the Children's Defense Fund – New York (CDF-NY). The Children's Defense Fund's (CDF) Leave No Child Behind® mission is to ensure every child a healthy start, a head start, a fair start, a safe start and a moral start in life, and successful passage to adulthood with the help of caring families and communities. Through CDF's Cradle to Prison Pipeline® Campaign—a national initiative to stop the funneling of children, especially poor children and children of color, down life paths that often lead to arrest, conviction and incarceration—CDF-NY works to replace punitive school discipline and safety policies in New York City schools with social and emotional supports that encourage a positive school climate.

Thank you to Chair Dromm, and to the members and staff of the City Council Committee on Education for this opportunity to testify before the oversight hearing on the fiscal year 2018 preliminary budget. At the root of CDF-NY's advocacy is the understanding that harsh and exclusionary disciplinary practices such as classroom removals, suspensions, and police interventions undermine positive relationships and trust between students and adults, fall short in preventing or reducing conflict from happening, and lead to students missing the class time they need to experience a meaningful education. **Our testimony today speaks to the need to restore and expand funding for the council's Restorative Justice Initiative to \$5 million, and details how this school climate initiative can and should be a meaningful part of larger reform efforts to improve student engagement in school.**

The Need for Investment in Restorative School Supports

CDF-NY seeks to foster and support safe schools through measures that provide professional development to school staff, allow educators to build relationships with students, get to the source of student disengagement from school, and prevent and address safety concerns in a way that protects the health and well-being of all students, school staff and their communities. We understand that funding in the DOE's budget for School Safety is \$367.8 million in the Fiscal 2018 Preliminary Plan, an increase of \$10.6 million from the Fiscal 2017 Adopted Budget. The DOE is projected to pay a total of \$285.2 million to the NYPD through an intra-city payment, an increase of \$5.3 million since the adopted budget. For the past two fiscal years there have been 5,511 full-time budgeted positions in the NYPD for school safety: 5,322 for "civilian" school safety agents, and 189 "uniform" police officers assigned to the School Safety Division of the NYPD.¹ In 2015 we supported committee member's efforts to require the DOE to report the school-by-school count of guidance counselors and social workers, and as of the February 15, 2017 report, there were 2,800 full-time guidance counselors, and 1,252 full time social workers, for a total of 4,052,² far less than the American School Counselor Association's recommended ratio of 250-to-1.

¹ New York City Office of Management and Budget (2017, January). FY2018 Preliminary Budget Function Analysis. Retrieved from <http://www1.nyc.gov/assets/omb/downloads/pdf/jan17-bfa.pdf>.

² New York City Department of Education. (2017, February). New York City Department of Education Report on Guidance Counselors Pursuant to Local Law 56 of 2014. Retrieved from <http://schools.nyc.gov/NR/ronlyres/4C83BFEB-35F5-4263-B614-84D61A8149A4/0/GuidanceCounselorReportandSummary21517final.pdf>.

CDF-NY further understands that students who experience measures like arrests, summonses, and school suspensions are more likely to experience low achievement, grade retention, negative attitudes toward school, and leave school before graduation.³ Because of the Council's Student Safety Act, we know that from January 1 to December 31, 2016, there were over 5,800 reported police interventions in New York City public schools, impacting students as young as four. There were over 1,200 arrests, 900 summonses, and 1,900 uses of restraints, and despite some declines in these numbers, troubling racial disparities have remained consistent on a system-wide level. Of all students who experienced an arrest or summons, 92% were Black and/or Latinx, while those students made up only 67% of the total student population. During the 2015-2016 school year, 37,647 total suspensions were issued in New York City Public Schools, where Black students received 49.6% of all suspensions, and students with an IEP received 38.6%, while representing 27% and 18% of the total student population respectively. Serious infractions, for which the DOE requires a school to suspend, accounted for only 15 percent of reported suspensions. National research shows that suspension tends to be used indiscriminately for a wide range of behaviors that do not threaten the safety of the school community, and that Black and Latinx students are much more likely than white students to receive every type of discipline—from classroom removals to expulsion—for the same or less serious infraction categories.⁴ These inequalities in educational opportunity and student outcomes are exacerbated by safety and disciplinary practices that schools directly control. In our testimony today we urge the city to shift resources toward positive approaches, and more systemic, high quality supports with an intentional focus on early intervention and culture change.

The Benefits of Restorative Justice

School-based restorative justice is a whole-school approach focused on relationships, reconciliation, and student inclusion in the school community as a means of addressing issues of school climate and the school-to-prison pipeline.⁵ In recent years diverse models of restorative justice have been implemented in schools across the country to address concerns about the significant negative impact of exclusionary discipline. Evaluations of those models and the growing body of literature on schools committed to the implementation of restorative practices provide strong evidence of its positive outcomes for students, teachers, parents, and the broader community:

- Increased academic achievement;⁶
- Reduced use of suspensions and expulsions;⁷
- Reduced racial disparities;⁸
- Fewer disciplinary infractions and office referrals;⁹
- Fewer incidents of unwelcome student behavior,¹⁰ including victimization and bullying;¹¹
- Decreased rates of violent behaviors;¹²
- Decreased arrests;¹³

³ Armour, M. (2016). Restorative Practices: Righting the Wrongs of Exclusionary School Discipline. *University of Richmond Law Review*, 50(3):999.

⁴ Payne, A.A., and Welch, K. (2017). The Effect of School Conditions on the Use of Restorative Justice in Schools. *Youth Violence and Juvenile Justice*, 1-17.

⁵ Haft, W. (2000). More Than Zero, The Cost of Zero Tolerance and the Case for Restorative Justice in Schools. *Denver University Law Review*, 77: 795.

⁶ Schiff, M. (2013). Dignity, disparity and desistance: Effective restorative justice strategies to plug the "school-to-prison pipeline." Center for Civil Rights Remedies National Conference, Closing the School to Research Gap: Research to Remedies Conference, Washington, DC.

⁷ Campbell, H., McCord, J., Chapman, T., & Wilson, D. (2013). Developing a Whole System Approach to Embedding restorative practices in Youth Reach Youth Work and Schools in County Donegal. Donegal ETB Restorative Practices Report. Northern Ireland: University of Ulster

⁸ Gregory, A., Bell, J., & Pollock, M. (2014, March). How educators can eradicate disparities in school discipline: A briefing paper on school-based interventions. Discipline Disparities Series: Interventions.

⁹ IBID

¹⁰ Penny, M. F. (2015). The use of restorative justice to resolve conflict in schools. All student theses, Paper 65, Governors State University. Illinois: University Park.

¹¹ Morrison, B. (2007). *Restoring safe school communities: A whole school response to bullying, violence and alienation*. Sydney, Australia: Federation Press.

¹² Karp, D.R., and Breslin, B. (2001). Restorative Justice in School Communities. *Youth and Society*, 249.

¹³ High Hopes Campaign. (2012). *From Policy to Standard Practice: Restorative Justice in Chicago Public Schools*. Retrieved from <http://www.dignityinschools.org/sites/default/files/FromPolicyToStandardPractice.pdf>.

- Increased perceptions of safety;¹⁴
- Decreased absenteeism, and increased attendance and graduation rates;¹⁵
- Improved school morale and climate;¹⁶
- Reduced recidivism;¹⁷
- Increased healthy relationships, and social-emotional understanding and skills;¹⁸
- Increased respect for teachers and school staff;¹⁹ and
- Increased satisfaction among all school community members.²⁰

It is important for school communities to realize that these changes will not happen quickly and that a long-term implementation plan is needed. Restorative justice is not simply a program or a set of disciplinary responses to behavior or violence, but rather is best described as a philosophical framework.²¹ Implementing restorative justice focuses on how we prevent harm from occurring in the first instance and what must be done to ensure strong relationships across the whole school community. An effective restorative process may help someone to think about their behavior, and, when done well and in a supportive environment, deal with the harm done or impact of that behavior on others.²²

Investment in restorative practices is supported by the evidence that exclusionary policies generally fail to change student behavior, schools are not safer or more orderly as a result of exclusionary approaches, suspension is often not in the best interests of anyone in the school community, and students' time in class is a key factor in determining their educational outcomes.²³ Given the negative consequences of punishment for individual students and for the overall school climate, schools need to be supported in challenging their traditional responses to student behavior. Whole-school restorative justice approaches, like the ones funded through the Council's Initiative, have the capacity to gradually transform the culture of discipline in NYC schools from one of punishment and exclusion to one focused on meeting the needs of youth.

The Council's Restorative Justice Initiative

In 2015, the New York City Council first allocated \$2.4 million for the implementation of a restorative justice pilot program to “change the culture of the chosen 15 schools’ approach to school disciplinary policies.” Today each participating school has a school-based restorative justice coordinator who has developed a school-specific needs-based strategic plan and who is providing ongoing training and professional development to school staff, and is engaging and developing positive relationships with students, parents, and families. Tremendous need and demand exists for this initiative—while 115 schools were invited by the DOE’s Office of Safety and Youth Development (OSYD) to apply in December 2015, only 15 of the over 50 schools that submitted thorough applications expressing interest could be selected for participation. Those 15 “beginner” schools work in a network of 25 schools, ten of which are considered “intermediate” or “mentor” schools that offer site visits, provide guidance, and share best practices. **CDF-NY, along with other members of the Dignity in Schools Campaign-New York, respectfully asks that the Council allocate \$5 million to this Restorative Justice Initiative in FY 2018: \$2.4 million to support and ensure the sustainability of schools involved in the Restorative**

¹⁴ Payne and Welch (2017), *op. cit.*

¹⁵ Rideout, G., Roland, K., Salinitri, G., & Frey, M. (2010). Measuring the effect of restorative justice practices: Outcomes and contexts. *EAF Journal*, 21, 35.

¹⁶ Campbell et al. (2013), *op. cit.*

¹⁷ Gardella, J. H. (2015). Restorative practices: For school administrators considering implementation. Vanderbilt University. Retrieved from <https://my.vanderbilt.edu/tn-s3-center-vanderbilt/files/2014/05/Restorative-practices-booklet-9.26.15-copy.pdf>.

¹⁸ Armour (2016), *op. cit.*

¹⁹ Gregory et al. (2014), *op. cit.*

²⁰ Karp, D. R., & Frank, O. (2015). Anxiously awaiting the future of restorative justice in the United States. *Victims & Offenders*. doi:10.1080/15564886.2015.1107796

²¹ Penny (2015), *op. cit.*

²² Thorsborne, M., and Blood, P. (2013). *Implementing Restorative Practice in Schools: A Practical Guide to Transforming School Communities*. Jessica Kingsley Publishers.

²³ Losen, D., Hodson, C., Keith III, M.A., Morrison, K., and Belway, S. (2015). *Are We Closing the School Discipline Gap? The Center for Civil Rights Remedies at the Civil Rights Project, UCLA*. Retrieved from https://www.civilrightsproject.ucla.edu/resources/projects/center-for-civil-rights-remedies/school-to-prison-folder/federal-reports/are-we-closing-the-school-discipline-gap/AreWeClosingTheSchoolDisciplineGap_FINAL221.pdf.

Justice Initiative, and \$2.6 million to allow for the expansion of the program to an additional number of schools, as well as provide interested schools with professional development designed to improve school climate and build capacity to implement restorative practices.

Schools can perform restorative justice in many ways, including peer mediation programs, classroom community meetings, youth courts, or community circles (where members of the community engage in conversation to build relationships or teach restorative concepts and skills).²⁴ Chosen from each borough for their high need and their high rates of suspension, the participating schools are working toward becoming safer places, reducing exclusion and the demand for suspensions or other exclusionary discipline practices, and encouraging positive, supportive school climates for students, educators, and their communities. In our conversations with those participating in the Restorative Justice Initiative, we have learned that many of the 15 schools are dramatically reducing their reliance on suspension. Today, principals, deans, and counselors are being trained in restorative practices and how to perform community circles, including family care conferencing, discipline conferencing, and some advanced training in remedying conflict. Schools are pursuing different projects according to need, and some have created peer mediation programs, advisory courses, parent groups, or are carrying out weekly circles. Some schools hold their department meetings in circles; other schools have faculty meetings in circles. National research tells us that these types of circles lead to a sense of teacher ownership over the discipline process, and encourage improved relationships, meaningful dialogue, the prevention of conflict, and academic and social achievement.²⁵ Aside from continuing professional development for school staff, the restorative justice coordinators funded through the initiative meet with their peers in specialized committees, and submit a report to OSYD each month on their projects, what they've accomplished, and what challenges they face.

Last fiscal year the Mayor's Preliminary Budget made new investments to support school climate reforms developed in part by the Mayor's Leadership Team on School Climate and Discipline. It is important to acknowledge that those pilot projects were allocated funding for four years, from FY2017 to FY2020.²⁶ While we strongly believe in the importance of these initiatives, we urge the Council to continue and increase the investment in whole-school restorative justice models that include sustainable full-time school-based staff, youth and parent leadership, continuing professional development opportunities, and district-wide coordination. Most research indicates that restorative policies will be sustained in schools and continually produce positive results only when restorative justice ideas are adopted as a philosophy by the entire school population rather than implemented as one program in one classroom or at one level of administration.²⁷ By continuing and expanding the Council's Restorative Justice Initiative in particular, we have a remarkable opportunity to sincerely and strategically transform schools from an inequitable, punitive model to an alternative, preventative and restorative model that aligns with youth development principles and improves school culture and climate.

Stories from our Students

The CDF Beat the Odds® scholarship program provides social and academic college readiness programming to high school students that are working hard to overcome tremendous obstacles in their personal lives, who demonstrate academic achievement and give back to their community. Several of our scholars attend or have attended schools implementing restorative justice; some attend schools funded through the city council's initiative, and others attend schools funded through the Brooklyn Community Foundation's restorative justice pilot program. We recently connected with two of those students, one from each initiative, to contribute some of their feedback to this testimony.

²⁴ Restorative Practices Working Group. (2014). *Restorative Practices: Fostering Healthy Relationships and Promoting Positive Discipline Schools, A Guide for Educators*. Cambridge, MA: The Schott Foundation for Public Education. Available at <http://schottfoundation.org/sites/default/files/restorative-practices-guide.pdf>.

²⁵ Oretaga, L. (2016). Outcomes of a restorative circles program in a high school setting. *Psychology of Violence*, 6(3):459-468.

²⁶ New York City Office of Management and Budget. (2016, January). January 2016 Financial Plan Detail. Retrieved from http://www1.nyc.gov/assets/omb/downloads/pdf/tech1_16.pdf.

²⁷ Payne, A.A, and Welch, K. (2015). Restorative Justice in Schools: The Influence of Race on Restorative Discipline. *Youth & Society*, 47(4): 539-564.

“Before the initiative, my classmates would be all over the place. Now I see a kind of peace, and more community here. Like if a student acts out in the classroom, the teacher will send the student to the coordinator and they have a conversation about what they did and the student is brought back to the classroom, whereas before, the student would be kicked out of class and the student would miss the work for that day, and fall behind. I know that teachers prefer this program too, because they don’t feel right about kicking students out of class, and they know that they would just end up roaming the halls without support. Now that student can reset. I spoke to my principal recently and she was telling me that suspension rates decreased substantially. A lot of the past suspensions were caused by disrupting the classroom. This program is giving students the chance to get their education. A lot of the time they disrupt because there is something going on with them that you can’t see, and with this you get to see what is going on and allow them a say in the process and to stay engaged.”

“There are fights in my school. What happens now though is that the restorative coordinator talks with teachers and helps them handle or approach a student wanting to fight. She brings peace. With students who are having an argument, she’ll have the students involved come together for a private circle. They talk about what happened, listen to all sides of the story, and then they try to find a way to avoid the problem escalating... A friend of mine and I are really involved in it. In the beginning we sat in a circle with teachers, telling them what we think and having that kind of student and teacher communication. You got to know teachers a little bit more outside of the classroom. You got to know them as a person... I believe that students have changed. Students want to talk before they take action. Students talk to the coordinator, explain what’s going on, and there is now a support system that we didn’t have. It’s different from what our counselor does. And now there isn’t a straight path to suspension.

“Having this initiative, I’ve learned to use my words to deal with anger. If we can invest in more coordinators and invest in explaining restorative practices, we can have peace, we can learn not to act out and to speak up instead. I’ve met friends through the restorative practices spaces. I’ve seen them change. People now think and talk first. We talk about the impact of suspensions and getting removed from school. And I come to the coordinator with my problems. Yesterday I had an argument, and I was filled with anger, and the coordinator saw me and came to talk to me. She came to check in on me later and we talked about what happened. Because she’s there people can avoid a fight.”

Conclusion

It is our hope that the Council continues dialogue with the DOE on the value of sustainable investment in restorative justice in schools and ending the disproportionate impact of exclusionary measures. Any policy priorities centered on academic success cannot be fully realized without making improvements to how schools and communities approach and react to student behavior and instances of harm. CDF-NY applauds the Council’s leadership and acknowledges that the Restorative Justice Initiative has provided a promising step toward the long-term institutionalization of restorative approaches in schools citywide. We look forward to an Executive budget that makes the investments needed that focus on the moral, social, and academic development of youth rather than their punishment and removal.

Thank you again for this opportunity to testify.