

## Economic Mobility Catalog: Case Study

# School-based restorative justice: Oakland, CA



K-12 education



Elementary & Middle School Success



High School Graduation

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## At-a-Glance



### Summary

- During the 2009-2010 school year, Black students accounted for 33 percent of Oakland Unified School District's (OUSD) student population but received 63 percent of all suspensions. Students who were expelled or suspended experienced consistently poorer academic outcomes, including lower rates of graduation and postsecondary attainment. Despite the costs of this punitive approach, OUSD students did not report feeling safer at school. Facing a lawsuit, OUSD entered into an agreement with the U.S. Department of Education to identify a safer and more equitable approach to school discipline.
- In 2010, the School Board passed a resolution committing to the adoption of restorative justice (RJ) practices, which emphasize accountability, healing, and growth instead of punishment when addressing behavioral issues. The next year, OUSD hired a full-time Restorative Justice Coordinator, who would oversee implementation of a district-wide RJ. The program assists schools in developing a trauma-informed culture, using Restorative Justice Circles to address interpersonal incidents, and providing one-on-one support to individuals experiencing the greatest challenges.
- Keys to the program's success included a commitment from district leadership to scale up RJ practices; support from local RJ experts, who assisted OUSD in developing their model; RJ training and support from OUSD's central office, which assisted schools in implementing practices with fidelity; and dedicated, trained staff at each school.
- Obstacles to the program's success included changing deep-seated attitudes toward school discipline, no opportunity for school-level readiness assessments prior to implementation, and issues establishing a consistent funding stream for the RJ program.

# Results and Accomplishments

<p><b>20%</b></p> <p>In Oakland schools with a restorative justice coordinator, student suspensions dropped by approximately <u>20 percentage points</u> within three years.</p>	<p><b>31%</b></p> <p>Between the 2015-2016 and 2019-2020 school years, the number of OUSD students suspended declined by nearly 31%, with 4.2% of students receiving a suspension in 2015-2016 and 2.9% of students receiving a suspension in 2019-2020.</p>	<p><b>88%</b></p> <p>of teachers in the Oakland Unified School District report that restorative practices are very or somewhat helpful in managing difficult student behavior in the classroom. Over 60% of staff believe that restorative practices have helped reduce suspensions at school.</p>
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- RJ reaches thousands of students each year:** A 2014 evaluation of the OUSD RJ work, completed by Oakland research firm Data in Action, revealed that in a single school year, over 6,000 students participated in conflict/harm circles, 3,000 students in community building circles, and 3,000 in one-on-one conflict/harm mediations. To date, OUSD’s central RJ office has trained over 450 elementary, middle, and high school students as RJ circle-keepers.
- Institutional changes to OUSD disciplinary policy:** The effectiveness of restorative justice throughout OUSD has led to concrete changes in how Oakland schools approach matters of student discipline. Restorative practices are now formally recognized as the appropriate response to a range of incidents, featuring in official “discipline matrix” materials for teachers and administrators. The widespread adoption of restorative practices as a viable alternative to other forms of punishment contributed to the elimination of suspensions for “willful defiance,” a notoriously vague category of disciplinary incident, and led to the elimination of the Oakland School Police Department.
- Nationally recognized as a leader in school-based RJ:** OUSD’s RJ work has been highlighted nationally, with a 2013 New York Times profile and recognition in a 2016 federal report on reforming school discipline.
- Improving self-reported measures of school safety:** In the 2019-2020 California Healthy Kids Survey (CHKS), under 10 percent of OUSD students across elementary, middle, and high school report feeling unsafe at school, even as more punitive disciplinary measures have been phased out over time.



## What was the challenge?

- **Long-standing practice of disproportionate suspensions:** For decades, Black students in the Oakland Unified School District (OUSD) were suspended at rates increasingly disproportionate to their enrollment rates. Across OUSD, Black students accounted for 33 percent of the student population but received 63 percent of all suspensions in the 2009-2010 school year. In the 2010-2011 school year, Black male OUSD students missed a total of 5,869 days of instruction due to suspension, compared with only 238 days of instruction missed by White male students.
- **Disciplinary discrepancies yield academic disparities:** Mirroring national trends, OUSD students who were expelled or suspended experienced disruptions to their academic careers that often led to worsened academic outcomes, including lower rates of attendance, graduation, and postsecondary attainment.
- **Punitive disciplinary practices failing to create safer school environments:** Despite high rates of suspension and expulsion, OUSD schools were not safer for students, with nearly a quarter of OUSD elementary students reporting that they did not feel safe at school in 2010. This reflected national data, which has demonstrated that “zero tolerance” suspension and expulsion policies do not lead to improved student behavior, higher levels of academic achievement, or safer schools.
- **OUSD needed a new approach to school discipline:** Facing a longstanding history of ineffective and discriminatory punitive discipline, a lawsuit was filed against OUSD with the U.S. Department of Education’s Office of Civil Rights. OUSD then entered into a Voluntary Resolution Process (VRP) with the Department of Education and committed to creating a safe and fair disciplinary environment for all students.

## What was the solution?

- **School Board commits to Restorative Justice:** In 2010, the OUSD school board passed a resolution stating their intention to implement Restorative Justice practices throughout schools in the district. This commitment was then solidified during the Voluntary Resolution Process with the Department of Education. Over the following years, the Board committed funding and staffing to promote RJ practices at nearly 30 schools across the district.
- **Restorative Justice practices based on Indigenous justice models:** Restorative Justice is an approach to justice that comes from Indigenous practices around responding to crimes or wrongdoings. RJ moves away from retributive justice, rooted in punishment and conventional disciplinary methods, instead employing strategies that prioritize accountability, healing, and growth for all those involved.

- **District-wide RJ Coordinator guides school-based implementation:** Since 2011, OUSD has employed a full-time Restorative Justice Coordinator who oversees implementation of RJ programming at OUSD schools, leads RJ trainings for school staff, and manages cross-school collaboration. To provide structure and cross-school continuity, the district utilizes a three-tiered model of RJ implementation. Tier 1 focuses on building trauma-informed cultures of restorative justice throughout implementing schools. Tier 2 responds to specific interpersonal incidents using Restorative Justice Circles, which help the community address and process incidents with those directly involved. Tier 3 provides more intensive one-on-one support to individuals during particularly challenging events.
- **Building on local RJ community and history:** OUSD leveraged the deep history and strong community around restorative justice in the City of Oakland to build up their school-based RJ practices. Local non-profit Restorative Justice for Oakland Youth (RJOY) has worked to bring RJ approaches to the Oakland community since 2005, and has been a key partner in OUSD's RJ work since its inception.

## What factors drove success?

- **Dedicated staff at every school and buy in from school leadership:** Implementing RJ within schools requires a paradigm shift for both the students and the school staff, and the model is most effective with a trained, dedicated restorative justice practitioner on site at all times. According to OUSD leadership, without a dedicated staff member at every participating school, restorative practices tend to become diluted and less effective. OUSD leaders also note that the implementation of restorative justice is most successful when principals and other school leaders champion and actively participate in restorative justice activities.
- **Continuous training and support from central office:** The central OUSD RJ office provides school-based Facilitators and staff with regular opportunities to continue their RJ training and one-on-one coaching and support with ongoing RJ activities. This consistent presence has been critical in ensuring that RJ practices are delivered effectively and with fidelity.
- **Commitment from district leadership:** Starting in the mid-2000s, community-led efforts helped integrate some RJ practices into particular schools, but RJ was not being utilized at scale across the district. Once the school board passed its RJ resolution, the district was able to provide credibility and institutional capacity for wider-scale RJ programming. The commitment to expanding restorative justice practices in a Voluntary Resolution Process with the U.S. Department of Education also helped secure stronger buy-in from district leadership.
- **Support from local RJ experts:** Since the initial commitment from OUSD leadership to encourage RJ practices district-wide, OUSD RJ staff has maintained a close partnership with local non-profit RJOY, working together on RJ trainings, coaching, and professional development opportunities. Collaborating with a local community expert helps OUSD ensure fidelity in its RJ work and integrate within the wider Oakland RJ efforts.

## What were the major obstacles?

- **Shifting funding structures:** OUSD has struggled to establish consistent funding streams for the RJ work. The district has funded the central office RJ Coordinator position since 2011, and has contributed varying amounts to school-level RJ work in the decade since. As OUSD's financial capacity has ebbed, it has contributed less funding over time, with the majority of the school-level work now being funded by individual school budgets and private grants. This patchwork funding makes it difficult to maintain program and staffing consistency from year to year and from school to school.
- **No opportunity for school-level readiness assessments:** As OUSD rolled out RJ efforts across the district, there was no opportunity to conduct school-level readiness assessments prior to introducing RJ. This led to some schools starting RJ work before they were ready for the accompanying foundational changes, leading to less comprehensive and effective implementation efforts.
- **Changing deep-seated attitudes around school discipline:** Incorporating RJ methods requires school staff to change many deeply ingrained practices and beliefs about school discipline. This paradigm shift is difficult for many teachers and administrators to fully internalize, and the complete adoption of RJ practices can take many years.

## Timeline



2005-2006

### **Black male students suspended at disproportionately high rates**

For years, OUSD struggled with high rates of suspensions relative to the rest of the country, particularly among Black male students. During the 2005-2006 school year, 17 percent of OUSD Black males grades K-12 receive one or more suspension, compared with only 3 percent of White male students.

2005

### **Restorative Justice for Oakland Youth (RJOY) founded to spread RJ principles**

Local non-profit organization RJOY is founded with the mission of working in partnership with schools, community actors, and juvenile justice agencies to encourage institutional shifts away from conventional retributive justice toward Restorative Justice. RJOY provides education, training, and support to partners implementing RJ in Oakland and beyond.

**FALL 2006****RJ trainings lead to pilot program in OUSD middle school**

From 2005-2007, community RJ trainings become available to school educators, administrators, and counselors, offered by both RJOY and Massachusetts-based youth justice non-profit Roca. Rita Alfred, a staff person at Cole Middle School in West Oakland, attends these trainings, and later launches an RJ pilot with implementation support from RJOY, fully replacing punitive disciplinary practices with an RJ approach. This change results in an 87 percent decrease in suspensions and a full elimination of expulsions.

**FALL 2009****Whole School Restorative Justice model piloted at two OUSD high schools**

After the successful RJ implementation at Cole Middle School, OUSD receives a small grant to expand the restorative justice approach first implemented at Cole Middle School. Led by Barbara McClung, the grant funding enables two additional OUSD high schools launch RJ pilots of their own, serving a total of nearly 400 students.

**JANUARY 2010****OUSD School Board passes resolution committing to introduce RJ practices throughout the district**

In light of successes at the three schools employing RJ practices, the OUSD School Board unanimously votes in favor of a resolution to bring RJ to schools across the district as an alternative to punitive discipline strategies. The resolution does not make explicit financial or programmatic commitments, but alludes to professional development opportunities for school staff, redesign of discipline structures, and broad promotion of a “culture of caring.”

**FALL 2010****Report highlights successes of school-based Restorative Justice**

The Berkeley Law Henderson Center for Social Justice releases a report on the Cole Middle School RJ pilot program, which hails the pilot as a “practical alternative to zero-tolerance disciplinary policies.” Then-Superintendent Tony Smith takes notice of the report and begins advocating to institutionalize RJ in the district as a whole.

**MAY 2011****OUSD hires first RJ Program Coordinator**

OUSD brings on local youth justice advocate and restorative justice/conflict resolution practitioner David Yusem as the first RJ Program Manager. Yusem works out of the OUSD central office to coordinate and support RJ efforts throughout the district and develops a three-tier model for in-school RJ work. Later that year, the district hires two RJ Specialists.



**FALL 2011**

**RJ expands to four additional high schools**

With support from the central office, four additional high schools begin implementing RJ practices through intensive training, coaching, and monthly community learning sessions. Four middle schools and two high schools join the growing RJ initiative in the three years that follow.

**SEPTEMBER 2012**

**OUSD enters into Voluntary Resolution Process to address discriminatory discipline**

After four OUSD students filed a complaint with the U.S. Department of Education alleging discriminatory disciplinary practices, OUSD enters into a Voluntary Resolution Process (VRP) with the department's Office of Civil Rights. The VRP is a 5-year agreement to meaningfully improve district-wide disciplinary practices to eliminate racial disparities. The agreement specifically names restorative justice as a key strategy.

**JUNE 2014**

**24 schools across the district incorporate RJ practices**

With support and funding from OUSD, 24 schools employ some combination of Peer RJ and the Whole School RJ by the end of the 2013-2014 school year, including 2 elementary schools, 13 middle schools, and 9 high schools.

**MAY 2015**

**OUSD ends suspensions for willful defiance**

In an effort to make progress toward the VRP goals, the OUSD School Board unanimously votes to ban suspensions, involuntary transfers, and expulsions on the basis of willful defiance, an ambiguous and broad category that is commonly hailed as discriminatory in practice.

**FALL 2015**

**District funding allows RJ initiative to hire additional staff**

OUSD commits \$1 million per year to RJ work, which allows the central office to hire 34 full-time staff. Four of the new hires support the work of the central office, while the remainder are placed directly in schools as dedicated site-based Facilitators.

**FALL 2017**

**District funding grows, schools share costs**

In response to positive feedback and decreasing suspension and expulsion rates, the district commits additional funding to the RJ initiative, increasing the annual budget to \$2.5 million. Individual schools also begin sharing costs with the district, contributing funding to cover RJ staff time. In the following two years, the district funding diminishes as the district faces financial difficulties.

#### MARCH 2019

##### **OUSD cuts funding to RJ initiative**

Facing financial strain (largely due to a shrinking student population, largely the result of increasing enrollment in charter schools), the OUSD School Board votes to cut \$20 million from the 2019-2020 budget, including \$1.2 million for the RJ initiative. The vote came after months of debate around how to balance the budget and significant pushback from OUSD students, teachers, and families, particularly against the cuts to the RJ program.

#### APRIL 2019

##### **City of Oakland provides RJ program with \$700,000 in bridge funding**

To offset the OUSD budget cuts, the Oakland City Council unanimously approves a resolution allocating nearly \$700,000 to the RJ program for the 2019-2020 school year. The funding covers a portion of the program's anticipated \$2 million budget for the coming year, but the central RJ office turns to private grants and individual schools to cover the remaining costs.

#### MARCH 2020

##### **Transition to remote RJ work amid COVID-19**

In response to the COVID-19 pandemic, all school activities, including RJ work, become fully virtual. Facilitators hold RJ circles of all three tiers over Zoom, discussing and processing world events like COVID-19 and their impact on students.

#### JUNE 2020

##### **School Board votes to eliminate police presence in schools**

In the wake of the murder of George Floyd, the OUSD School Board unanimously approves a resolution that eliminates the Oakland School Police Department, and reinvests a portion of its \$6 million budget into non-punitive community safety strategies, including RJ.

## Implementation Process



### How did leaders confront the problem?

- **History of discriminatory disciplinary practices throughout OUSD:** For decades, OUSD struggled with high rates of suspension and expulsion, particularly among Black male students. From 2005-2010, Black male students were suspended at a rate between five and eight times the rate of their White male peers, overwhelmingly for subjective violation categories like “willful defiance” and “disruptive behavior.”
- **Community RJ practitioners begin work with OUSD schools:** Beginning in 2005, community organizers, including local RJ advocacy organization RJOY and Massachusetts-based youth justice organization ROCA, offered trainings on Restorative Justice. Many OUSD staff, including teachers and counselors, attended RJ trainings and began bringing these practices into their schools.



- **OUSD middle school pilots RJ alternative to conventional discipline:** Leaders at West Oakland's Cole Middle School became disillusioned with punitive discipline models and began piloting an RJ approach with implementation support from RJOY. The pilot resulted in an 87 percent reduction in suspensions and a total elimination of expulsions, inspiring additional pilots at two OUSD high schools. OUSD Director of Behavioral Health Initiatives, Barbara McClung, coordinated with RJOY to bring RJ trainings to school staff throughout the district.
- **OUSD School Board commits to RJ approach:** In an unanimous vote, the OUSD School Board approved a resolution to bring RJ practices to the district as a whole. Although the resolution did not make explicit commitments to funding or programming, it referenced an intended cultural shift, moving away from punitive discipline with increasing opportunities for OUSD staff to be trained in RJ practices.
- **OUSD enters into Voluntary Resolution Process to address racial disparities in school discipline:** Facing an investigation by the U.S. Department of Education Office of Civil Rights into allegations of discriminatory discipline practices, OUSD entered into a Voluntary Resolution Process, committing to meaningfully improve conditions for students, particularly Black students, around disciplinary practices. RJ approaches are specifically named as a strategy to create progress.

## How was the strategy designed?

- **Central coordination of RJ work:** Recognizing that restorative justice efforts across schools would benefit from a central coordinating entity, the Director of Behavioral Health Initiatives at OUSD, Barbara McClung, created a central RJ Coordinator position and hired local conflict resolution/restorative justice practitioner David Yusem to lead and support RJ efforts throughout the district. To encourage cross-school alignment, the district developed a loosely structured model for in-school RJ implementation.
- **RJ model informed and inspired by Indigenous healing and justice modalities:** To acknowledge the roots of RJ, the district drew on principles and practices from Indigenous communities, which focus on healing harm instead of punishing transgressions. The underlying goal of RJ work is to address the conditions that allow an incident to occur. It begins with having participants process the event emotionally and mentally and providing support to the people involved. Much of this is done through healing circles, which are an opportunity for community members to convene and reflect on, process, and heal from an incident.
- **Comprehensive three-tiered model:** To create a holistic alternative to conventional disciplinary practices, the district worked closely with RJOY to develop a three tiered model that redesigns school-based discipline from the community level down to the individual level. Tier 1 focuses on bringing a restorative culture to the whole school community, tier 2 focuses on repairing and responding to specific incidents or disciplinary infractions as a community, and tier 3 focuses on 1-on-1 support for individuals in particularly challenging periods, such as grieving a death or returning from a suspension.

## How was the plan implemented?

- **Central office holds RJ trainings for school staff:** After developing the RJ model, Yusem began holding training sessions throughout the district for interested school staff, including teachers, counselors, and administrators. Sessions trained participants in general RJ principles and introduced the three-tiered OUSD RJ model. School staff who had gone through the central office training sessions began implementing the RJ model in their own schools with coaching from the central office RJ team, beginning the process of spreading RJ awareness throughout the district.
- **Program grows over time:** After successful early pilots at a handful of OUSD schools, including a middle school and two high schools, the RJ model began to scale across the district. By the end of the 2013-2014 school year, 24 OUSD schools had incorporated RJ practices into their disciplinary structures by introducing circle processes, educating students and staff on RJ principles, and shifting away from punitive disciplinary practices. In the 2013-2014 school year alone, 6,000 students participated in RJ circles across the district.
- **Continuous, ongoing support from central office:** School-based RJ Facilitators handle all aspects of RJ at a given school, but receive regular training and coaching from the central office to ensure they have the resources they need to maintain the integrity of the RJ model. The central office also holds monthly sessions for school-based staff to collaborate on best practices. As of 2021, the central office is composed of Coordinator David Yusem and a full-time Program Manager, Denise Curtis.
- **OUSD funding allows RJ work to expand:** Recognizing the success and popularity of school-based RJ, OUSD began contributing additional funding to the RJ program, starting with a \$1 million annual commitment in the 2015-2016 school year. This funding allowed the program to hire an additional 34 full-time staff, including four central office program managers and 30 dedicated school-based RJ Facilitators. By the 2021-2022 school year, 28 schools throughout the district had at least 1 RJ staff person, with even more implementing some form of RJ with support from the central office.

## How was the approach funded?

- **\$2 million operating budget:** The OUSD RJ initiative currently functions with an operating budget of approximately \$2 million, primarily composed of foundation funding. The budget covers two central office full-time staff positions, programmatic trainings and professional development opportunities, and shared staffing costs for school-based RJ Facilitators at 28 OUSD schools.
- **Cost-sharing between OUSD central office and individual schools:** While OUSD has fully funded the RJ Coordinator position since 2011, additional staffing and programmatic costs are shared between the central office and individual schools, with funding levels varying by school. Schools with a deep commitment to RJ work typically allocate funds for a full-time, dedicated RJ Facilitator, with professional development and programmatic support from the central office, whereas other schools find lower cost ways to introduce RJ principles, including training existing school counselors in RJ practices.

- **Inconsistent levels of district funding:** Over time, the amount of funding that OUSD has committed to district-wide and school-level RJ work has fluctuated. Initially, the district funded only the central RJ Coordinator position. As the model demonstrated impact, the district ramped up investment in the program, starting with \$1 million annually in 2015, which allowed the district to hire additional dedicated RJ staff, both in the central office and at individual schools. By 2017, the district funding grew to \$2.5 million, but was cut substantially in 2019 as the district faced financial strain.
- **Foundation funding helps fill gaps in RJ budget:** Since the program's inception, RJ funding from OUSD and individual schools has been supplemented with private foundation funding from organizations such as the California Endowment. These funds have supported RJ staff salaries and central office and school-based training and professional development.
- **City provided bridge funding to support program through district financial strain:** Following 2019 budget cuts that defunded the RJ program at the district level, the City of Oakland approved a one-time investment of \$700,000 to ensure that RJ work could continue during the 2019-2020 school year.

## How was the approach measured and refined?

- **Holistic district-wide evaluation:** In 2014, OUSD partnered with local research and evaluation firm Data in Action to conduct an assessment of the RJ efforts since the School Board resolution. The evaluation included implementation surveys, focus groups, and analysis of outcomes data, and found overwhelming satisfaction with the RJ approach and positive academic and behavioral outcomes.
- **Regularly tracking key outcomes:** OUSD regularly uses administrative data to review outcomes of interest, including suspensions, expulsions, attendance, graduation, and more at all schools, and is able to compare outcomes between schools that implement RJ practices and those that do not.
- **Shifting funding structures require regular adjustments:** As OUSD funding for RJ has been reduced, the RJ program as a whole has had to shift to account for differing funding levels and sources. RJ staff are moved away from schools that do not have the funding to continue supporting an RJ staff position and are introduced into a new school context.

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