

# LEGACY OF HARM

## The Continued Practice of Obama/Biden Policies in Our Nation's Schools

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August 2026

For twelve years, thousands of American schools drifted into chaos as the consequence of a race-based school discipline mandate issued by Barack Obama in 2014, which threatened to prosecute school administrators for civil rights violations if they didn't lower minority students' rates of suspension and expulsions. Even though Obama's directive was rescinded by Donald Trump in 2019, many schools continued to operate as if it remained in effect, jeopardizing safety and learning. Joe Biden reinstated an expanded version of the Obama directive in 2021, and coupled this with over \$100 million in grants to induce school districts to adopt race-conscious "alternative" discipline practices.

In 2025, President Trump again struck down the Obama/Biden directive. Our investigation reveals that over 9,000 schools, in 625 school districts spread across 41 states, continue to apply these practices under the guise of therapeutic-sounding labels like "restorative justice" and "social emotional learning." Some do so despite state laws that forbid the racial and political indoctrination their practices require students and educators to participate in.

Using open-records laws, our team uncovered thousands of pages of explicitly race-conscious guidebooks, slide decks, and other training materials used to disseminate practices that were intentionally crafted, as one training organization explains, with the aim of "transforming the entire legal system, our family lives, our conduct in the workplace, our practice of politics." Another advocate boasts that these practices enlist children in "a shared struggle and a shared liberation."

To date there has been little media coverage connecting these practices to nationwide classroom disruption, violence, learning losses, and teacher resignations. Nor do the public-facing materials describing this "alternative discipline" reveal its true content. Parents and public officials have largely been kept in the dark. Until now.

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## History of Failure and Harm

Barack Obama's quest for social justice in schools was predicated on the claim that racial differences in outcomes are proof of discrimination even where school administrators and teachers have no discriminatory intent. In reality there are [many factors](#) that explain racial differences in student behavior and performance. Ignoring these, Obama's directive asserted that school discipline practices "violate Federal law when they *evenhandedly* implement *facially neutral* policies and practices that, although not adopted with the intent to discriminate, nonetheless have an *unjustified effect* of discriminating on the basis of race." Racial differences became the only proof needed to substantiate discrimination charges against school officials.

The damage caused by this legal contortion, and the diminishment of school discipline it necessitated, was readily apparent to those willing to look. [Manhattan Institute scholar Max Eden documented](#), for example, how surveys of New York City students and teachers revealed declines in respect and classroom order after schools abandoned traditional discipline for "restorative justice." More troubling were increases in school violence, drug use, and gang activity. Ironically, these harms were concentrated in schools with higher percentages of black children—the very population Obama and his compatriots claimed they wanted to help.

Teacher surveys elsewhere revealed [similarly troubling findings](#), while other research [documented student fears and learning losses](#). Manhattan Institute researchers [summarized the consequences](#) of abandoning traditional school discipline thusly:

*"In [New York City](#), a majority of students at half of schools serving a high share of minority students said they saw more fights and that their peers were less respectful. In [Chicago](#), peer respect deteriorated and teachers reported more disruptive behavior. In [St. Paul](#), the district attorney declared school violence a "public-health crisis." In [Syracuse](#), the district attorney ordered a restoration of discipline after violence surged and a teacher was stabbed. In [East Baton Rouge](#), 60 percent of teachers say they've experienced an increase in violence or threats, and 41 percent say they don't feel safe in school."*

For all these reasons, as well as the explicitly racialized approach Obama's directive imposed on schools, the Trump Administration rescinded it in 2019. This freed school administrators from threats of Department of Justice investigations, but they operated in changed environments, in part because several states, in the wake of Obama's directive, [passed laws](#) calling for wider application of "alternative" school discipline. Many legislators who enacted these laws had good intentions, wanting schools to maintain discipline without consigning troubled children to a path of exclusionary penalties that leave them ill-educated and primed for a life of crime. None of these state laws mandated the race-conscious numbers game demanded by the Obama Administration, but they unwittingly left open the door for such practices to creep into schools.

The pace of indoctrination quickened in 2021, when left-leaning ideologues, including 22 [Democrat state attorneys general](#), petitioned U.S. Attorney General Merrick Garland to reinstate Obama's race-focused directive. The U.S. Department of Justice obliged in 2023, issuing, in conjunction with the U.S. Department of Education, guidance titled "Resource on Confronting Racial Discrimination in Student Discipline." While the Obama directive asserted that racial differences in school discipline rates were proof of discrimination, Biden's was more carefully worded, claiming that while such differences weren't necessarily proof, they could provoke a Department of Justice investigation. It accompanied a long list of schools where DOJ had conducted such investigations, concluding in every instance that racial discrimination was the cause of disparities.

School administrators got the message: Reduce how many minority students are disciplined for misbehavior and crime, or be charged with racism. The Biden administration recommended schools avoid the pain of investigation by collecting and analyzing student racial data, adopting restorative justice methods, and reducing police presence on campuses. The Department of Justice also **distributed over \$100 million** to finance propagation of damaging, race-conscious alternative discipline schemes in school districts across the country.

Biden's directive solidified and expanded the race-conscious school discipline practices Obama's administration had propagated. The Wisconsin Institute for Law and Liberty **highlighted the dangerous legal errors** underlying the directive, and the negative outcomes it engendered. Given the long history of harm wrought by treating school administrators and teachers like racists for the consequences of social and economic problems beyond their control, it came as no surprise that President Trump rescinded the Biden directive upon retaking the presidency.

The problem is that many schools have continued the failed "alternative" disciplinary practices they adopted during the Obama and Biden presidencies. Many do so because school administrators and board members support the goals of those presidencies. Others go along because they fear being accused of racism. As a result, the consequences that were beginning to come to light in the Obama years have only compounded: widespread school unrest and violence, learning losses, and erosion of teacher morale.

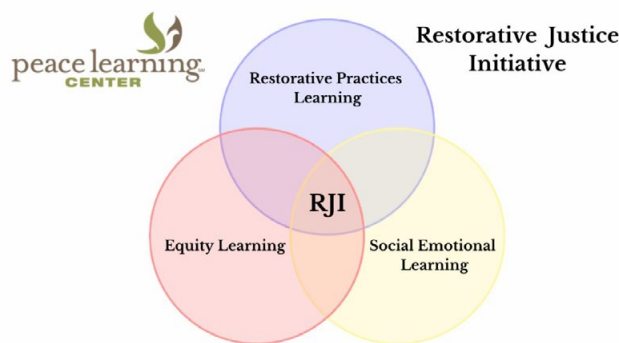
## Investigation Findings

While public-facing descriptions of "restorative justice" and related "alternative discipline" practices sound innocuous and even beneficial, rising chaos in our schools indicates otherwise. Our team sent open records requests to 47 school districts in five states (Florida, Texas, Indiana, Arkansas, and Missouri), seeking copies of training materials and other communications regarding application of these methods in schools. We also accessed online archives of school boards and organizations that propagate alternative discipline in schools. We selected districts based on factors including size and location, as well as publicly available information indicating that they engage in Restorative Justice programs. The following report is based on the thousands of pages of documents our investigation uncovered.

## In its Own Words: Make Race the Focus of Public Education

In their public-facing materials, advocates describe Restorative Justice<sup>1</sup> as “the science of relationships and community”<sup>2</sup> that “examines how to strengthen relationships between individuals and improve social connections within communities.”<sup>3</sup> Its objective in schools is to “prevent and address conflict and wrongdoing by proactively building healthy relationship and a sense of community.”<sup>4</sup> Schools focus on “communication” and “building relationships,” in response to student misbehavior, “[i]nstead of punishment.”<sup>5</sup>

This is what most parents who seek information about Restorative Justice on a participating school’s website will see. In reality, as the Peace Learning Center explained to the Metropolitan School District of Lawrence Township in Indiana, the chief objective embraced by many purveyors of Restorative Justice is to “address the disproportionality of discipline on students of color.”<sup>6</sup> Scholars likewise confirm “concerns regarding the disproportionate suspension of Black students” have been a primary factor motivating “the adoption of restorative justice programs.”<sup>7</sup> In a nod to Diversity, Equity & Inclusion (DEI) initiatives, the Peace Learning Center claimed to the Perry Township Schools in Indiana that Restorative Justice is meant to “create more equity and inclusion”<sup>8</sup> and overlaps with equity learning and social emotional learning.<sup>9</sup>



While most parents expect the highest priorities in their children’s schools are safety and education, administrators overseeing restorative justice programs in the Little Rock, Arkansas School District stated in their strategic planning documents that on their watch, “equity is prioritized.”<sup>10</sup>

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- 1 Some consultants refer to this philosophy as Restorative Practices, and some consultants use the terms interchangeably. For consistency, this report will use Restorative Justice.
  - 2 IIRP Graduate School, “[Restorative Practices in Schools](#),” (accessed March 3, 2026).
  - 3 IIRP Graduate School, “[Restorative Practices: Explained](#),” (accessed March 3, 2026).
  - 4 Learning Policy Institute, “[School Safety, Discipline, and Restorative Practices](#),” (accessed March 3, 2026).
  - 5 Learning Policy Institute, “[Factsheet: Improving Student Outcomes Through Restorative Practices](#),” Oct. 18, 2023 (accessed March 3, 2026).
  - 6 Peace Learning Center, “Restorative Practices: Level 1,” page 1 (on file).
  - 7 Miles Davison, et al. *Restorative for All? Racial Disproportionality and School Discipline Under Restorative Justice*. Am. Educ. Res. J. (2022) 59(4):687-718.
  - 8 Peace Learning Center, “Restorative Practices Level 1: Restorative Principles,” slide 25 (on file).
  - 9 *Id.* at slide 29 (on file).
  - 10 “Draft LRSD Strategic Plan — Restorative Practices Roll Out” slide 5 (on file).

Without RP, MTSS can feel like a cold, data-driven checklist. Without MTSS, RP can feel like a "nice idea" that lacks the structure to be implemented consistently. Together:

1. **Equity is prioritized:** Restorative practices reduce the "discipline gap" where marginalized students are disproportionately punished.
2. **Sustainability:** Teachers don't see it as "one more thing" but as the primary way they manage their classrooms.
3. **Holistic Growth:** Students learn that their value isn't tied to their mistakes, but to their ability to take responsibility and make things right.

**How it looks inside the MTSS Folders**

Schools often update their **MTSS Flowchart** to look like this:

| Old Way (Punitive)                     | New Way (Restorative/IRP Integrated)           |
|----------------------------------------|------------------------------------------------|
| Minor Infraction: Verbal Warning       | Tier 1: Affective Statement + Reflection       |
| Repeated Minor: Teacher Detention      | Tier 2: Problem-Solving Circle with Teacher    |
| Major Infraction: Automatic Suspension | Tier 3: Suspension + Mandatory Re-entry Circle |

**Success Indicators**

Schools using this IRP-MTSS plan typically track these "Wins":

1. **Reduction in "Recidivism":** Do the same kids keep ending up in the office?
2. **Disproportionality Gap:** Are students of color being suspended at higher rates? (Restorative plans aim to close this gap by removing bias from "zero-tolerance" policies).
3. **The "Social Discipline Window":** Staff move from the "TO" (punitive) or "FOR" (permissive) quadrants into the "WITH" quadrant.

One consequence of prioritizing race equity over safety and learning is that when a student harms another student in the Little Rock school system, there appears to be considerably more attention given to the well-being, "healing," and "re-integration" of the offender.<sup>11</sup>

| MTSS Tier                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Focus                                                                       | Restorative Strategies                                                                                                                                                                                                                           | Training                                                                                                                                                                                                                                                                                                             |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Tier 3: Sustainability.</b> The school trains "Internal Coaches" to sustain the practice. Formal Tier 3 conferences are fully integrated into the school's code of conduct as an alternative to (or alongside) suspension.</p> <p><b>Goal:</b> Reintegration and healing.</p> <p><b>Action:</b> Formal <b>Restorative Conferences</b>. If a student is suspended, the "merger" ensures they have a reentry circle to repair the harm and feel welcomed back into the community, preventing a cycle of exclusion.</p> |                                                                             |                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                      |
| Tier 3: Intensive (Few Students)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Reintegration & Healing<br>Handling serious harm or return from suspension. | <p><b>Formal Restorative Conferences:</b> Structured meetings with all parties.</p> <p><b>Re-Entry Circles:</b> Supporting a student's return to the community.</p> <p><b>Circles of Support:</b> Intensive planning for high-risk students.</p> | <ul style="list-style-type: none"> <li>• <b>Tier 3 (Formal Conferencing):</b> For serious harm (like a fight), the school facilitates a <b>Formal Restorative Conference</b>. This includes the person who caused harm, the person harmed, and their supporters to create a written "Contract of Repair."</li> </ul> |

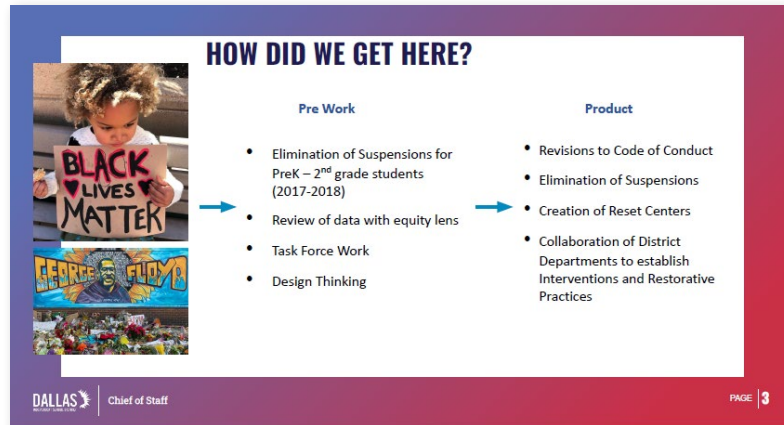
Proponents of Restorative Justice in our nation's schools recognize that this new race-based approach to discipline is a "departure from the way that schools have traditionally approached discipline and school culture."<sup>12</sup> According to the Learning Policy Institute, the push for Restorative Justice in schools was prompted by fallout from the death of George Floyd in 2020 and what it called "[r]epeated police violence against unarmed Black civilians," leading to "nationwide calls to overhaul policing both in society and in schools."<sup>13</sup> In Texas, the Dallas Independent School District's Office of Student Engagement and Support similarly claims Restorative Justice arose out of the Black Lives Matter movement following George Floyd's death.<sup>14</sup>

11 *Id.* at slide 4 (on file).

12 Sarah Klevan, "**Brief: Building a Positive School Climate Through Restorative Practices**," Learning Policy Institute, Oct. 28, 2021.

13 *Id.*

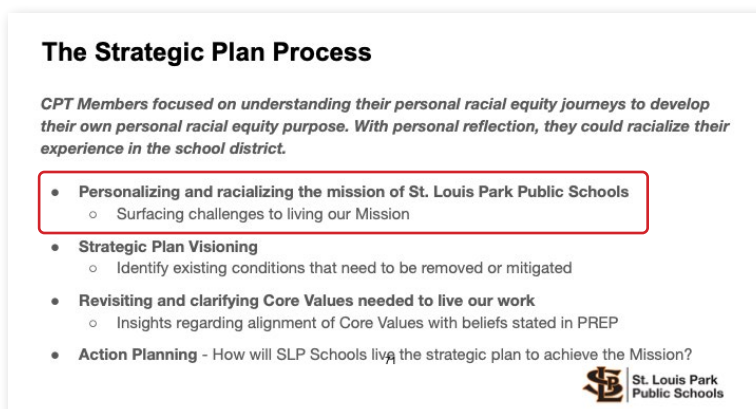
14 Dallas ISD, "Reimagining Discipline in Dallas ISD," slide 3 (on file).



Indeed, “overhaul[ing]” or “eliminat[ing]” police presence at schools appears to be part of the objective, as advocates believe that traditional disciplinary practices in schools, “coupled with the presence of police,” leads to increased “criminalization of Black and Brown youth.”<sup>15</sup>

On a podcast sponsored by the Center for Justice Innovation, members of the Center’s “Restorative Justice in Schools team” claimed that their Restorative Justice work “is inherently racial justice work,” such that the two cannot be “extract[ed] ... from each other.”<sup>16</sup> One member described Restorative Justice as “connecting to a humanness that is about a shared struggle and a shared liberation.” Another claimed that Restorative Justice “is the only way that we’re ever going to achieve any racial justice in this country.”

Captured by this thinking, the St. Louis Park School Board in Minnesota adopted a “Strategic Plan for Racial Equity Transformation,” asserting a goal of “racializing the mission” of its schools.<sup>17</sup> The plan includes trying to get the racial composition of its staff to more closely mirror those of its student body,<sup>18</sup> insuring its curricular programs “operate with a clear racial equity purpose,”<sup>19</sup> providing professional development “specifically for staff of color,”<sup>20</sup> and requiring racial equity training for all school volunteers.<sup>21</sup>



<sup>15</sup> Klevan, *supra* note 12.

<sup>16</sup> Matt Watkins, “[Restorative Justice is Racial Justice](#),” Center for Justice Innovation (July 3, 2020).

<sup>17</sup> Independent School District No. 283, [online meeting](#) (March 8, 2021), Slide 71.

<sup>18</sup> *Id.* at Slide 80.

<sup>19</sup> *Id.* at Slide 87.

<sup>20</sup> *Id.* at Slide 90.

<sup>21</sup> *Id.*

In a separate document entitled “Student Behavior Intervention,” this school board declared students have a “collective responsibility” regarding racism, and must therefore cultivate “racial consciousness.”<sup>22</sup>

The Peace Learning Center recommended that an Indiana school district’s leaders consult Denver’s report on a Restorative Justice program it piloted in three schools.<sup>23</sup> The report claims teachers must “be able to have productive conversations around the role race ... plays in adult-student interactions.”<sup>24</sup> “If educators are unable to ... have conversations about race, racism, and other prejudices,” the report warns, racial “disparities” in discipline data will “persist.”<sup>25</sup> The report directs schools to “[p]rovide training in implicit and explicit bias for all educators,” and “[s]urvey students and families — specifically asking for experiences revolving around race, gender, sexuality, or disability — and share that information with educators and administrators.”<sup>26</sup>

Meanwhile, in Texas, officials overseeing the Austin Independent School District have taken the racial ideology behind Restorative Justice to heart. To combat what they perceive as a “Racial Justice pandemic,”<sup>27</sup> Austin ISD administrators demanded that teachers and staff “identify themselves racially and look at where they consider themselves to be on different identity markers,” such as financial means, weight, gender, social status, and age.<sup>28</sup>

#### How to Address It:

First and foremost, educators must be able to talk about disparities in discipline data. If educators are unable to name the problem or have conversations about race, racism, and other prejudices, the disparities in data will persist. In order to create an environment in which these difficult conversations can happen, administrators or members of the Behavior Team should:

- Create a safe environment in which both educators and students feel comfortable sharing.
- Provide training in implicit and explicit bias for all educators in the building.
- Survey students and families - specifically asking for experiences revolving around race, gender, sexuality, or disability – and share that information with educators and administrators in the building.
- Identify resources that are available within your district or from community organizations to assist in facilitating these conversations.

We continued to focus on distributive leadership of the adults at the 3 campuses for Universal Prevention and Social Emotional Learning/Cultural Proficiency & Inclusiveness(SEL/CP&I). Our focus continued to be on the adults in the building, their learning, and how their presence impacts school outcomes with students and our campus culture. We have asked our staff to identify themselves racially and look at where they consider themselves to be on different identity markers. Some of these have to deal with financial means, weight, gender, social status, and age. Our SEL and CP&I committees continue to support student experiences on our 3 grant campuses. Lesson planning, check ins, restorative conversations, affective language statements, and shifting mindset has been a large part of the committees work at our schools. The SEL/CP&I Committees are composed of SEL Facilitators (2 teacher leaders per campus) and educators from across the campus. They continue to focus on building relationships with students and other Tier 1 strategies and supports based on our Culturally Responsive Restorative Practices(CRRP) tiered model.Each campus started

This may explain the bizarre question posed to teachers during one of Austin ISD’s professional development training sessions. When the facilitator of a session entitled “Culturally Responsive Restorative Practices: The Circle Process” posed questions to participants to stimulate dialogue, one of

22 Independent School District No. 283, “**Student Behavior Intervention**,” Adopted June 11, 1984 and affirmed/revised 8/10/21, p. 1.

23 Perry Township Schools, “Train the Trainer Restorative Practices School Implementation Rubric,” page 4 (on file).

24 Denver School-Based Restorative Practices Partnership, *School-Wide Restorative Practices: Step by Step*, page 6 (on file).

25 *Id.* at page 25 (on file).

26 *Id.*

27 Austin ISD, “20RFP111 Austin ISD Grant# 2019-CV-FX-K002 Comprehensive School-Based Approach to Youth Violence and Victimization: Reporting period October 1, 2019-September 30, 2023,” pages 8, 11 (on file).

28 *Id.* at reporting period January 1, 2023-June 30, 2023,” page 1 (on file).

the queries was: "What color are you today and why?"<sup>29</sup>

Race was at the center of Austin ISD's planning. The American Institutes for Research (AIR) drafted a guide for Austin ISD staff to provide "a clear picture of how educators can engage with students when implementing culturally responsive restorative practices (CRRP)."<sup>30</sup> In this guide, AIR indicates that "full implementation" of Restorative Justice is not achieved unless the "[Restorative Justice] associate"—a consultant hired by the district to train staff—"presents self as a racial being, serving as a model for initiating conversations about race with educators."<sup>31</sup> AIR indicates that if the "[Restorative Justice] associate engages in relationship building with educators with a focus on attributes other than race," then implementation of Restorative Justice has "not yet [even] begun."<sup>32</sup>

This racial lens, in turn, permeates Austin ISD's Restorative Justice efforts with students. AIR's draft guide includes identical race-centered indicators for when Restorative Justice is fully implemented between the Restorative Justice associate and students, as well as between educators and students.

As an example of this racial agenda coming to fruition, consider an activity in which students were directed to answer questions where extreme ideological conclusions are already baked in, including: "What are the disadvantages to people of color of white privilege?" and "As someone from a privileged Western nation, what can you do to contribute to the dismantling of white privilege and cultural privilege?"<sup>33</sup>

|            |          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |  |
|------------|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| 4 min      | No Slide | <p>2. Mindfulness Moment:</p> <p>First, settle into your seat</p> <p>Take a moment to locate your breath. <i>(pause)</i></p> <p>If it feels comfortable to you, close your eyes or focus on something in nature. <i>(pause)</i></p> <p>Breathe in a deep breath of calm, <i>(pause as you take in a deep breath)</i></p> <p>as you breathe out focus on releasing any tension in your body <i>(pause as you breathe out)</i>,</p> <p>Breathe in a deep breath of peace <i>(pause as you take in a deep breath)</i>,</p> <p>as you breathe out let go of any anxiety you may be holding onto <i>(pause as you breathe out)</i>,</p> <p>Breathe in a deep breath of hope <i>(pause as you take in a deep breath)</i>,</p> <p>as you breathe out, let go of any fear you may be experiencing. <i>(pause as you breathe out)</i></p> <p>When you feel ready, open your eyes and connect in community with us in this virtual space.</p> |  |
| 20 minutes | No Slide | <p>3. Rounds</p> <p>We will spend some time sharing our thoughts and listening deeply to others.</p> <p>This is the talking piece which will be passed to the person that will be speaking. While someone holds the talking piece, we will honor them by listening fully and with our hearts. Passing is beautiful so if you choose not to share, that is OK. We will pass to the left. (Explain why you chose this talking piece)</p> <p><b>Our first round What color are you today and why?</b></p> <p>I'll start, (name, pronouns, connection, and ...).</p>                                                                                                                                                                                                                                                                                                                                                                    |  |

**Component 1: Educators know their own cultural and racial lens and understand the impact that their biases, prejudices, and beliefs have on students' safety, sense of belonging, and academic success.**

| Role: RP Associate to Educators                                                                                              |                                                                                                                                           |                                                                                                                            |                                                                                                              |              |
|------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|--------------|
| Full Implementation                                                                                                          |                                                                                                                                           |                                                                                                                            | Not Yet Begun                                                                                                | Not Observed |
| The RP associate presents self as a racial being, serving as a model for initiating conversations about race with educators. | The RP associate presents self as a racial being; however, he/she does not consistently initiate conversations about race with educators. | The RP associate inconsistently presents self as a racial being and engages in some discussions about race with educators. | The RP associate engages in relationship building with educators with a focus on attributes other than race. |              |
| RP Associate uses language to honor educators' culture and facilitates discussions to reduce harm.                           | RP Associate uses language to honor educators' cultures and discusses actions that may lead to harm.                                      | RP Associate uses language that honors educators' cultures.                                                                | RP Associate recognizes that educators represent multiple cultures.                                          |              |
| RP Associate provides agency to educators to express when harm is being experienced and how that is tied to culture.         | RP Associate provides agency for educators to express when harm is occurring.                                                             | RP Associates supports agency among educators to express cultural beliefs and experiences.                                 | RP Associate supports educators in expressing affective reactions toward other students.                     |              |
| RP Associate connects with educators through shared experiences and challenges.                                              | RP Associate connects with some educators through shared                                                                                  | RP Associate attempts to build relationships with educators but it may be                                                  | RP Associate focuses solely on content delivery instead of personal                                          |              |

29 Austin ISD, "Culturally Responsive Restorative Practices: The Circle Process," page 6 (on file).

30 AIR, "Culturally Responsive Restorative Practices Innovation Configuration Map," [DRAFT 09/24/19] page 1 (on file).

31 *Id.* at page 4 (on file).

32 *Id.*

33 Austin ISD, "A Small Place Circle," page 1 (on file).

**Question Rounds**

**Round 1:** On a scale of 1-10, how much did you enjoy this book?

**Round 2:** What are the disadvantages to people of color of white privilege?

**Round 3:** What are the disadvantages of privilege to the tourists in *A Small Place*?

**Round 4:** As someone from a privileged Western nation, what can you do to contribute to the dismantling of white privilege and cultural privilege?

## The Purported “Indigenous Roots” of Restorative Justice

Restorative Justice proponents claim its methods, wherein the feelings of perpetrators are pre-eminent and agreements that claim to repair the harm caused by those perpetrators necessitate agreement from the perpetrators themselves,<sup>34</sup> are deeply rooted in ancient indigenous cultures.<sup>35</sup> During a professional development presentation, the Fort Worth Independent School District informed its faculty and staff that “Restorative Justice echoes ancient and indigenous practices employed in cultures all over the world. From Native American and First Nation Canadian to African, Asian, Celtic, Hebrew, Arab, and many others.”<sup>36</sup> In Indiana, Perry Township Schools’ consultant made a virtually identical claim, adding that Restorative Justice has “global indigenous roots” and “[has] been used for thousands of years.”<sup>37</sup> Similarly, Austin ISD held a professional development training that featured a land acknowledgment:

*We acknowledge the land on which we sit and occupy today as the traditional and ancestral home of the Comanche, Lipan and Mescalero Apaches, Tonkawa, Karankawa, Eastern Pueblo, Couehltican. The federally recognized tribes including the Alabama-Coushatta Tribe of Texas, the Kickapoo Traditional Tribe of Texas and the Ysleta Del Sur Pueblo, and the state recognized tribes include the Lipan Apache Tribe and the Texas Band of Yaqui Indians.*<sup>38</sup>

This is consistent with Austin ISD’s goal for at least one school to “[r]e-indigenize the work we do with Circles in our schools.”<sup>39</sup>

The “cornerstone” of Restorative Justice is use of “restorative circles.”<sup>40</sup> Advocates claim circles can be used for purposes like “building community, helping students connect their experiences to academic content, or welcoming a student back to school after an extended absence.”<sup>41</sup> According to Osceola District Schools in Florida, restorative circles are inspired by “Native American traditions of problem-solving — sitting in a circle around a campfire.”<sup>42</sup> In Indiana, Perry Township Schools’ consultant identified “equality” as the leading reason for using circle formations.<sup>43</sup>

34 Klevan, *supra* note 12.

35 Nathalie Kirsch, “**Explainer: Restorative Practices for School Discipline, Explained**,” FutureEd, Dec. 5, 2022.

36 Fort Worth ISD, “Restorative Practices 101 Module 1: A Restorative Mindset,” slide 5 (on file).

37 Peace Learning Center, “Restorative Practices Level 1: Restorative Principles,” slide 8 (on file).

38 Austin ISD, “Culturally Responsive Restorative Practices: The Circle Process,” pages 1-2 (on file).

39 Austin ISD, “20RFP111 Austin ISD Grant# 2019-CV-FX-K002 Comprehensive School-Based Approach to Youth Violence and Victimization: Reporting period July 1, 2021-December 31, 2021,” page 4 (on file).

40 Klevan, *supra* note 12.

41 *Id.*

42 Osceola District Schools, “Restorative Practice: A Shift from Punishment to Repair,” slide 20 (on file).

43 Peace Learning Center, “Restorative Practices Level 1: Restorative Principles,” slide 44 (on file).

A restorative circle features a moderator (teacher) and participants (students and teacher) seated in a circle formation, though it is frequently portrayed by advocates as something unique and complicated. Austin ISD describes the components of a restorative circle as: (1) the Circle: a “carefully constructed, intentional dialogue space” designed to “support participants to speak their truth;” (2) the Keeper: a facilitator whose role is to “stimulate the reflections of the group;” (3) the Centerpiece: a cloth, mat, or “items representing the values of the core self, the individual circle members or their cultures, or a shared vision of the group;” (4) a Talking Piece, which is held by whichever participant is speaking; and (5) Identifying Values & Guidelines, which participants develop and which are supposed to include admonitions like: respect the talking piece; speak from the heart; listen from the heart; trust that you will know what to say; say just enough; and maintain confidentiality.<sup>44</sup>



The progression of the circle process, according to Austin ISD, begins with marking the circle as a “sacred space” to encourage participants to “bring themselves into full presence in the space, recognize interconnectedness ... and be mindful of the values of the core self.”<sup>45</sup>

#### Opening Ceremony

Circles use openings and closings to mark the Circle as a sacred space. Clearly marking the beginning and end of the Circle is very important. Openings help participants center themselves, slow down, be more reflective, bring themselves into full presence in the space, recognize interconnectedness, release unrelated distractions, and be mindful of the values of the core self. Closings affirm the

A mystical view of circles is foundational in other school districts as well, including Florida’s Lee County Public Schools. Materials from professional development training given to Lee County teachers reveal that the Opening Ceremony is “important because it marks the circle as a ‘sacred space.’”<sup>46</sup> Furthermore, “It is traditional in circles to speak into the center. The idea is that everyone’s voice is added to the center, and it is from the center that the wisdom of the class will begin to emerge.” And, “[o]nce someone has spoken into the center, their contribution becomes the property of the circle.” According to a Center for Restorative Process guidebook used by Lee County schools, “[w]hen all voices are in the center, the circle has a way of surfacing what is true, what is needed, and what to do next.”<sup>47</sup>

44 Austin ISD, “Abbreviated Components of a Circle” (on file).

45 *Id.*

46 Lee County Public Schools, “Pillars 1 & 2: Affective/Restorative Communication and Circles Establishing Connections and Building Communities,” slide 27 (on file).

47 Center for Restorative Process, *Teaching Restorative Practices with Classroom Circles*, page 13 (on file).

## Advancing a Radical Political Agenda

Restorative Justice is filled with procedures and attributes that are dangerously radical in both form and content.

### Wholesale Transformation & Globalization

Restorative Justice advocates seek global transformation. The International Institute for Restorative Practices (IIRP) describes Restorative Justice as a “transdisciplinary field of study” that ought to be infused with “a commitment to relationality and community across the globe.”<sup>48</sup> According to IIRP’s presentation to Duval County Public Schools in Florida, “Restorative justice is not simply a way of reforming the criminal justice system; it is a way of transforming the entire legal system, our family lives, our conduct in the workplace, our practice of politics. Its vision is of a holistic change in the way we do justice in the world.”<sup>49</sup>

#### REFLECTIONS

- “We just keep talking until there’s nothing left but the obvious truth. Once ‘the obvious truth’ has been found, there is no need for a ‘decision.’ Such truth not only sets people free – it allows a group or community to self-organize.”  
(Oren Lyons, Faith keeper of Turtle Clan, member of the Seneca and Onondaga Nations, of the Haudenosaunee Confederacy)
- “If systems are not innately restorative, then they cannot hope to effect change simply by providing an occasional restorative intervention. Restorative practices must be systemic, not situational.”  
(Ted Wachtel)
- “Restorative justice is not simply a way of reforming the criminal justice system; it is a way of transforming the entire legal system, our family lives, our conduct in the workplace, our practice of politics. Its vision is of a holistic change in the way we do justice in the world.”  
(John Braithwaite)
- “It is easier to build strong children than to repair broken men.”  
(Frederick Douglass)

4

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Indeed, Restorative Justice seeks dramatic changes in disciplinary practices. The Learning Policy Institute claims “[i]mplementing restorative practices requires a significant shift away from how schools and districts have traditionally approached discipline and school culture.”<sup>50</sup> This involves a “transformation” “not only in our schools but in society at large.” Thus, Restorative Justice represents a “tidal shift” from traditional disciplinary practices.<sup>51</sup>

In conformity with these precepts, Duval County Public Schools in Florida obtained a grant from Biden’s Department of Justice to “implement a comprehensive Whole-School Restorative Practices (WSRP) model to transform the climate at 10 high-risk Duval County schools,” which it dubbed “Duval for Change.”<sup>52</sup> In Indiana’s Perry Township Schools, the Peace Learning Center described such practices as “a cultural shift” and “an organization-wide effort to reorient the way we interact with each other.”<sup>53</sup> The Center told Indiana’s Metropolitan School District of Lawrence Township that restorative circles represent “a fundamental change in the relationship between students and authority figures.”<sup>54</sup> For this reason, the Restorative Justice implementation guide received by Indiana’s Perry Township Schools described the Restorative Justice “overhaul” in Denver-area schools as “revolutionary reforms” that “radically changed” disciplinary policies.<sup>55</sup>

48 IIRP Graduate School, *supra* note 3.

49 IIRP Graduate School, “Restorative Conferencing Session One,” slide 4 (on file).

50 Learning Policy Institute, *supra* note 4.

51 Klevan, *supra* note 12.

52 Award Package to Duval County Public Schools from DOJ Office of Justice Programs, Grant # 15PJDP-23-GK-04182-STOP, page 1 (on file).

53 Peace Learning Center, “Restorative Practices Level 1: Restorative Principles,” slide 13 (on file).

54 *Id.* at slide 7 (on file) (quotation omitted).

55 Denver School-Based Restorative Practices Partnership, *School-Wide Restorative Practices: Step by Step*, page 3 (on file).

## The “Unlearning” Requirement

To achieve the desired societal transformation, teachers and authority figures must abandon allegedly harmful traditional practices and perspectives. The Learning Policy Institute explains that the “significant shift” “requires *unlearning* practices and perspectives on accountability that have been predominant, not only in our schools but in society at large.”<sup>56</sup> Similarly, the Peace Learning Center explained to Indiana’s Perry Township Schools that Restorative Justice “involves a lot of unlearning in adults.”<sup>57</sup>

## Substantial Investments in Time and Resources

The radical shift demanded by Restorative Justice is evident in the substantial time and resources needed to implement it in a school district. The Learning Policy Institute admits that “substantial investments in resources” and “intensive resources ... to build knowledge and skills among staff” are required, with “sustained and intensive supports.”<sup>58</sup> Implementing Restorative Justice, according to the Learning Policy Institute, is “a long-term endeavor, not a quick fix.”<sup>59</sup> That is why the implementing guide received by Perry Township Schools in Indiana recommends that professional development on Restorative Justice “needs to happen throughout the year” with “frequent observation and coaching sessions,” “allocat[ing] a significant amount of time to restorative practice trainings and trainings in philosophies that support RP.”<sup>60</sup>

## Pushing Left-Wing Ideology on Schools

These seven core assumptions displayed in an Austin ISD teacher professional development worksheet on Restorative Justice make clear that this isn’t simply a set of disciplinary methods, it’s an ideological worldview.<sup>61</sup>

Discerning parents might take exception to the implications underlying some of these assumptions, like the claim in Assumption 5 that “we are the creators of the world,” possessing all the power needed to improve it, or the assertion in Assumption 6 that emotions are a means of knowing equal to that of thinking. The claim in Assumption 7 that children should tear down “walls” around the “core self,” can reasonably be taken as a vehicle for emotional and intellectual manipulation of young people, which is indeed essential to the Restorative Justice project.

This is certainly the aim of recommendations in the implementing guide received by Perry Township Schools in Indiana, which advocates “boost[ing] excitement around [Restorative Justice]” by participating “school-wide” in

### Seven Core Assumptions

1. The true self in everyone is good, wise, and powerful.  
*This model of the self distinguishes between doing and being. What we do is not the whole of who we are.*
2. The world is profoundly interconnected.  
*By excluding someone, we harm ourselves and the fabric of our community. Because we are connected, what we do to others, we do to ourselves.*
3. All human beings have a deep desire to be in a good relationship.  
*We believe that all people want to love and be loved and that all people want to be respected.*
4. All humans have gifts & everyone is needed for what they bring.  
*We require the contribution of diverse talents, personalities, and perspectives to find creative and innovative solutions to meeting our needs.*
5. Everything we need to make positive change is already here.  
*We believe our communities hold rich reservoirs of talent and wisdom that are waiting to be accessed. If we fail to see ourselves as creators of the world, we deny our power to change it.*
6. Human beings are holistic.  
*Our minds, bodies, emotions, and spirits are in all that we do. These are equally important parts of us as human beings, and each provides ways of knowing and sources of both wisdom and healing.*
7. We need practices to build habits of living from the core self.  
*We believe we need practices that help us connect with our core self, so we can live aligned with our values and build healthy relationships in families and communities on that basis. Many of our current practices reinforce the walls around the core self and increase our sense of disconnection from our self and others.*

From the Heart of Hope Resource Guide by Carolyn Boyes-Watson & Kay Pranis, Institute for Restorative Initiatives

<sup>56</sup> Klevan, *supra* note 12.

<sup>57</sup> Peace Learning Center, “Restorative Practices Level 1: Restorative Principles,” slide 13 (on file).

<sup>58</sup> Klevan, *supra* note 12.

<sup>59</sup> *Id.*

<sup>60</sup> Denver School-Based Restorative Practices Partnership, *School-Wide Restorative Practices: Step by Step*, page 5 (on file).

<sup>61</sup> Austin ISD, “Culturally Responsive Restorative Practices: Tip of the Iceberg,” page 3 (on file).

“national campaigns” like “National LGBTQ Pride Month.”<sup>62</sup> Likewise did the Center for Justice Innovation’s “Restorative Justice in Schools team” go into New York City schools and create “a bunch of voluntary spaces, which were clubs” including “Men in Color” and “the Gender and Sexuality Alliance.”<sup>63</sup>

Zionsville Community Schools in Indiana, meanwhile, purchased “Everyday Circles” cards produced by the Transformative Learning Alliance (TLA), a partnership between Peace Learning Center, HEART, and Tribes Learning Communities to “fill a need ... in classrooms and in communities” and assist in “teach[ing] social and emotional skills.”<sup>64</sup> Peace Learning Center advocates restorative justice, HEART advocates for “social justice, animal protection, and environmental ethics,” and Tribes Learning Communities advocates for “[i]nclusion, [i]nfluence, and [c]ommunity.” Each “Everyday Circles” card features an activity designed to “incorporate restorative practices, anti-bias education, social and emotional learning, as well as meaningful content on pressing world issues.”<sup>65</sup> These activities frequently entail political indoctrination.

A card entitled “Wildlife Under Fire,” for example, features a photo of polar bears, and directs the teacher to read “Kodak’s story.” The story asserts that climate change is driven primarily by man’s actions, and that the remedy is: “riding bikes instead of driving cars, using less electricity from factories, and not eating food from factory farms.”<sup>66</sup> The card directs teachers to lead students in questions and a reflection designed to produce a singular conclusion. This “reflection” asks students to “share one word to describe how they feel about what Kodak and other polar bears are experiencing,” and “one thing they could do to help address climate change.” Students are emotionally led to accept TLA’s explanation of climate change, though it is not a science-based organization. They are instructed on what actions TLA believes we should embrace to slow climate change, and provoked to consider and share, under peer-pressure, how they will take action.

Another card, “Ethical Consideration: Plastic Planet,” features a photo of a bird with its beak caught on a plastic bag.<sup>67</sup> It directs the teacher to show students the bird image, then read a claim about how many animals are harmed by plastic bags each year. It introduces the idea of plastic bag taxes, characterized as “a small fee,” and alleges that they result in a “30% decrease in plastic bags in the ocean.” Then it claims that “[s]ome people oppose (do not support) these policies. They want the convenience of using a plastic bag.” After setting the stage, the card directs students to hold a mock vote—in the peer-pressure setting of the circle—on whether to: (a) enact a plastic bag tax; (b) outlaw plastic bags; or (c) continue allowing “shoppers as many free plastic bags at the store as they want.”

**WILDLIFE UNDER FIRE**

**TIME**  
15 minutes

**SEL COMPETENCY**  
Social Awareness,  
Responsible Decision-Making

**PURPOSE**  
To recognize the impact that  
human activity has on other  
species

**ACTIVITY:** Read Kodak's story.

**Kodak's Story:** Kodak and his mother live in the Arctic. They spend much of their time swimming from ice floe to ice floe in search of food. An ice floe is a large mass of floating ice. Each month, getting from one ice floe to the next becomes harder for Kodak, who is still very young. Many ice floes have melted because of climate change, and sometimes Kodak and his mother have to swim for many miles before they reach land, which is dangerous and tiring. The earth's temperature is rising, which causes the oceans to increase in temperature, the ice to melt, and the storms to become more extreme. Climate change is caused by too many greenhouse gases being released into the atmosphere (air). These gases are produced by cars, planes, factories, household products, burning fossil fuels for energy, and factory farming. Fortunately for Kodak and his mom, there are people trying to slow down the rapid effects of climate change. People are cutting down on greenhouse gases by riding bikes instead of driving cars, using less electricity from factories, and not eating food from factory farms. With help from you and other people who care for Kodak and all polar bears, the effects of climate change can be reduced, and we can protect the Arctic.

Next, say to participants: Work in small groups to answer the following questions.

1. What is harming Kodak?
2. What is climate change?
3. What causes climate change?
4. How are people trying to stop climate change?

**NOTE:** Write the questions on the board where students can easily refer to them. Regroup as a larger community and provide time for everyone to share what they discussed in their groups.

**Reflection:** Ask the community to go around and share one word to describe how they feel about what Kodak and other polar bears are experiencing and one thing they could do to help address climate change.

62 Denver School-Based Restorative Practices Partnership, *School-Wide Restorative Practices: Step by Step*, page 18 (on file).

63 Matt Watkins, *supra* note 16.

64 Transformative Learning Alliance, “Everyday Circles” (on file).

65 *Id.* at page 3 (on file).

66 *Id.* at pages 93-94 (on file).

67 *Id.* at pages 255-56 (on file).

A card entitled “Pictures! Pictures! Pictures!” purports to help students see “similarities between different families; [t]o foster care and respect for others.”<sup>68</sup> Its pictures include: (a) a family with father, mother, and child; (b) a family of geese; and (c) a lesbian couple in wedding dresses, kissing as they hold flowers and a “just married” sign.<sup>69</sup>

The exercise prompts students to “take a moment to think about what you see,” “describe what you observe,” and “share a caption, word, sentence, or phrase that you think summarizes all the pictures.”<sup>70</sup> Not only must students contemplate the photos, including that of the kissing women, they also have to offer a set of words that “summarizes all the pictures,”<sup>71</sup> thereby granting equivalence across the images regarding the meanings of family, love, and marriage.

One Restorative Justice practitioner admitted that, during such activities, “these kids literally talked about everything under the sun. And I mean, first sexual experiences, everything. And they would tell some things that me and the teacher would be like, ‘Uh, I don’t really, like ....’”<sup>72</sup> The practitioner elaborated, “We literally talked about everything. ... For them to go from that, to be able to share all of these things about themselves with each other. ... [I]t is just a matter of creating the type of community, the type of space that you want ....” Small wonder, then, that one expert admitted to a “political reality that restorative practices programs are vulnerable to parent complaints.”<sup>73</sup>

68 *Id.* at pages 181-82 (on file).

69 *Id.* at page 181 (on file).

70 *Id.* at page 182 (on file).

71 *Id.* (emphasis added).

72 Matt Watkins, *supra* note 16.

73 Center for Restorative Process, *Teaching Restorative Practices with Classroom Circles*, page 17 (on file).

### ETHICAL CONSIDERATION: PLASTIC PLANET

**TIME**  
10 minutes

**SEL COMPETENCY**  
Responsible Decision-Making

**PURPOSE**  
To examine a situation and consider appropriate actions to take

**ACTIVITY:** Show participants the picture on the other side of this card.

Say: Share your reaction to the image.

Explain: The Center for Biological Diversity says that, on average, each family uses 1,500 plastic bags per year. The WorldWatch Institute states that more than 267 different species of animals have been harmed by plastic bags and that “every year, tens of thousands of whales, birds, seals, and turtles die from contact with... plastic bags.”<sup>74</sup> Many cities and countries are trying to reduce their use of plastic bags. Several European countries created a single-use plastic shopping bag tax, which means that people pay a small fee for each plastic bag they use when shopping. A study showed a 30% decrease in plastic bags in the ocean after the policy was put into place. Kenya banned (outlawed) the use, production, or selling of single-use plastic bags. If this law is broken, people can go to jail or be forced to pay an expensive fine. People either carry their items, bring reusable bags, reuse cardboard boxes (which decompose more quickly and safely than plastic), or find other creative waste-reducing ways to bring their items home as an alternative to using plastic bags. Some people oppose (do not support) these policies. They want the convenience of using a plastic bag.

Now, imagine that our community is voting to: 1) Charge shoppers \$0.10 for each plastic bag used at the store, 2) Not provide plastic bags at the store, or 3) Keep things as-is (give shoppers as many free plastic bags at the store as they want).

Allow for each student to share how they would vote and why.

Remind participants of the agreements and use a speaking piece. If they have other original ideas, allow them to share those as well.

1. Center for Biological Diversity: [https://www.biologicaldiversity.org/programs/population\\_and\\_sustainability/sustainability/plastic\\_bag\\_facts.html](https://www.biologicaldiversity.org/programs/population_and_sustainability/sustainability/plastic_bag_facts.html)

2. WorldWatch Institute: <http://www.worldwatch.org/node/5565>

**Reflection:** Do you think passing laws is an effective way to create change? Why or why not? What are additional ways we can create change? What personal actions can you take to reduce plastic use in your everyday life?

### PICTURES! PICTURES! PICTURES!

**TIME**  
10 minutes

**SEL COMPETENCY**  
Social Awareness

**PURPOSE**  
To see similarities between different families; To foster care and respect for others

**ACTIVITY:**

Show the community the pictures on the other side of this card.

Provide the following directions:

- Take a moment to think about what you see.
- Describe what you observe.
- One at a time, share a caption, word, sentence, or phrase that you think summarizes all the pictures.

**NOTE:** Remind participants of the agreements and use a speaking piece.

**Reflection:** What do you think we can learn from having observed all these images? Why do you think it is important to think about the ways we are similar and different to others? How will this influence how you view people and other animals?

## Restorative Justice Has Led to Absurd Outcomes

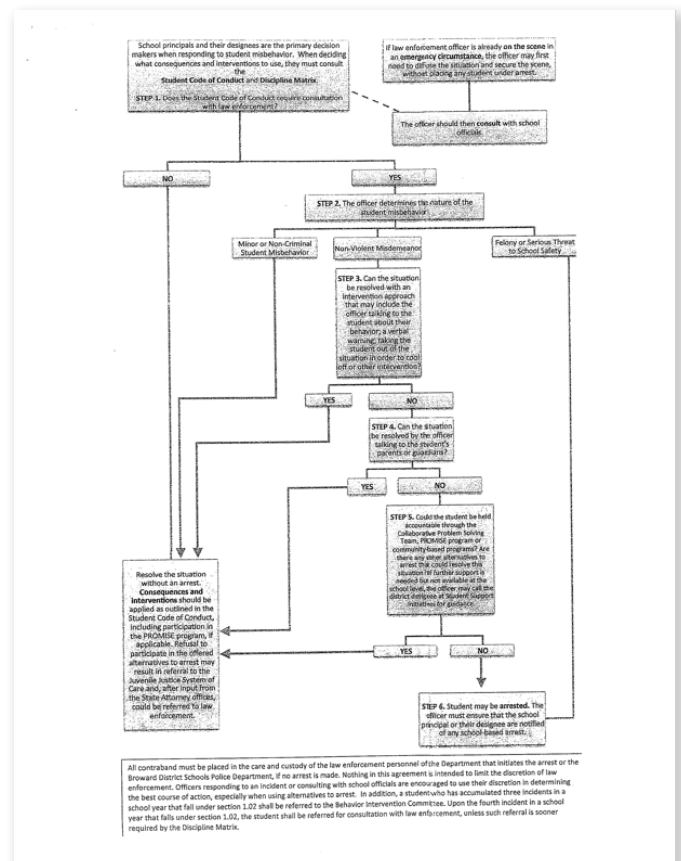
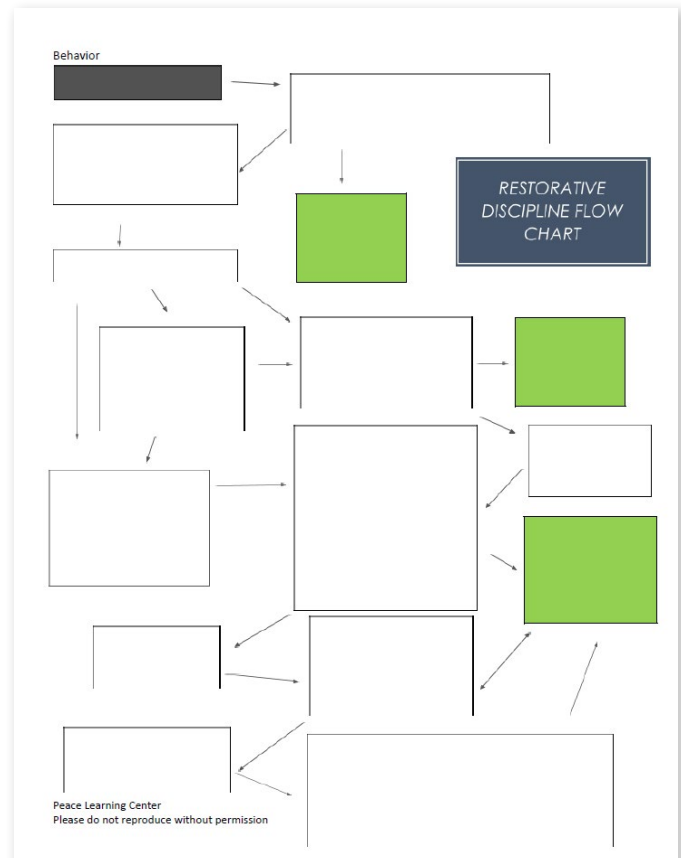
In practice, the implementation of Restorative Justice in school districts has produced alarming and absurd outcomes that harm students and teachers. Consider the “Restorative Discipline Flow Chart,” a blank chart provided by the Peace Learning Center to Indiana’s Perry Township Schools for teachers to map the complex process to discipline students (see image right).<sup>74</sup>

When disciplinary policy reflects this sort of dizzying structure (or lack thereof), it is difficult to predict success. Convoluted decision systems, wherein busy school staff are expected to consult guidebooks and charts, appears to be inherent in Restorative Justice. Consider the decision tree Broward, Florida law enforcement officials were expected to follow as part of their 2013 agreement with Broward County Public Schools and the local NAACP (see image bottom right).<sup>75</sup>

The Little Rock School District expects even cafeteria workers and bus drivers to employ complex Restorative Justice practices.<sup>76</sup> It’s unclear whether LRSD expects drivers to pull over their buses and form a “restorative circle” immediately when conflict occurs, or at some later date. A similar question emerges for the cafeteria worker in the midst of ladling out sloppy joes when she observes one child push another.

## “Peace Rooms”

Ahead of the 2024-25 academic year, the San Antonio Independent School District in Texas submitted a proposal to the Bexar County Department of Public Health seeking grant funding under the Department’s ReCAST program.<sup>77</sup> The goal was to create “Peace Rooms” to “address



<sup>74</sup> Peace Learning Center, “Restorative Discipline Flow Chart” (on file).

<sup>75</sup> “Broward County Collaborative Agreement on School Discipline,” Nov. 5, 2013 Exhibit A (on file)

<sup>76</sup> “Draft LRSD Strategic Plan — Restorative Practices Roll Out” Slide 3 (on file).

<sup>77</sup> San Antonio ISD, “Grant Proposal” (on file).

| MTSS Tier                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Focus | Restorative Strategies | Training |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|------------------------|----------|
| <p><b>Year 2: Whole-School Training.</b> All staff (including bus drivers and cafeteria workers) are trained in Tier 1 strategies. Use of "Restorative Questions" becomes the standard for discipline referrals.</p> <p><b>Goal:</b> Addressing recurring minor conflicts or social-emotional gaps.</p> <p><b>Action:</b> Small-group circles or "Problem-Solving Circles." Instead of just a "check-in/check-out" system, students use restorative language to identify what's getting in their way.</p> |       |                        |          |

the root causes of heightened emotions and behaviors by providing a supportive, restorative, and instructional approach to student needs to grow tools and skills, increase instructional time, and decrease punitive and exclusionary disciplinary practices."<sup>78</sup> Dubbed "Project Peace Room," the project sought to build Peace Rooms in thirty-five San Antonio ISD campuses to "address root causes of [poor] behavior" and "cultivate a supportive environment that promotes a culture of kindness, respect, and growth mindset, where students can process big feelings, develop and refine skills, resolve conflicts peacefully, and foster meaningful connections."

To support this endeavor, San Antonio ISD requested funding to fill "30 positions" and to purchase "Peace Room Furniture" and "sensory tools."<sup>79</sup> To "creat[e] supportive spaces for big feelings,"<sup>80</sup> the Peace Rooms were to be furnished with comfortable seating, exercise balls, soothing lights, and calming artwork, as well as materials for various activities.<sup>81</sup> An April 2025 expansion budget assembled by San Antonio ISD reveals over \$84,000 worth of artwork, "comfy carpets" and "bean bags," a "teepee play tent," "floor cushions," a "sound machine," "sensory peanut balls," "weighted emotions cushions," "body pods," "noise cancelling headphones," a "magnetic poetry healing words kit," and various other items and accessories to fill the Peace Rooms.<sup>82</sup>

Students would be able to "request to visit the Peace Room when they are unable to focus on instruction due to heightened emotion" for up to an entire class period.<sup>83</sup> Student Engagement Specialists monitor "trends" to "ensure appropriate use."<sup>84</sup> Alternatively, "in lieu of in-school or out-of-school suspension," students might be offered a visit to the Peace Room for up to a full school day.

Similarly, Austin ISD requested a federal grant to develop "FORWARD academic classrooms" and otherwise implement Restorative Justice.<sup>85</sup> These FORWARD rooms were to be equipped with "manipulatives such as pop-its and squishies, glitter jars, mandala coloring sheets, and essential oils," as well as "group journals, worry shredder, shared mandala, and thankfulness jar." Additional supplies included "puzzles, rubics cubes, reflection sheets, and repair cards." The FORWARD rooms would "receive enhancements such as flexible seating, lighting and decor to create an atmosphere for restorative practices" featuring "wobble stools" and "bean bag chairs" and "positive quotes" wall décor.

<sup>78</sup> Bexar Cnty. Dep't of Pub. Health, "[ReCAST: Resiliency in Communities After Stress and Trauma](#)."

<sup>79</sup> *Id.* at page 9 (on file).

<sup>80</sup> San Antonio ISD, "Proposal: Peace Rooms for Grades 6-12" (on file).

<sup>81</sup> San Antonio ISD, "Peace Room Layout Nov. 15" (on file).

<sup>82</sup> San Antonio ISD, "Re-CAST Expansion Budget April 2025" (on file).

<sup>83</sup> San Antonio ISD, "Grant Proposal," pages 12-13 (on file).

<sup>84</sup> *Id.*

<sup>85</sup> Austin ISD, "Looking FORWARD Application 2023" (on file).

Meanwhile, Klein Independent School District provides a “Regulation Room” when “a student cannot comply to be successful in class” in order to permit “co-regulation, regulation, and compliance training.”<sup>86</sup> The Regulation Room features alternating calming and working activities, followed by the student’s “preferred activity.” The “game plan” for the Regulation Room instructs educators to “[s]potlight the greatness [in the student] and give no attention (while being safe) to the noncompliance.”

## Exploitation by Students

Unsurprisingly, some educators have reported that students are exploiting Peace Rooms, and Restorative Justice leniency in general. Teachers and staff in Duval County Public Schools complained that “[t]here is not enough time to do classwork when we are also trying to do restorative practice,” “[s]tudents might use the time as an excuse to get out of class,” and “[i]t can be ineffective if not implemented with consequences.”<sup>87</sup> Some teachers and staff in Lee County Public Schools agreed, reporting “no accountability” as students used “cool down” passes “to just get out of class” and have “free fun time.”<sup>88</sup> Another staff member said “students see [the ‘calming room’] as an escape to have fun, there is no learning happening once they are there and no real accountability.”<sup>89</sup>

## Chaos and Violence

The cruelest and most ironic consequence of these “peace-focused” alternative discipline schemes is the actual physical harm to students and teachers that has ensued. Because school administrators have made clear they want reductions in discipline and elimination of racial disparities in suspensions and expulsions, school reports of student infractions have become unreliable indicators of how much misbehavior and harm is actually taking place in schools embracing Restorative Justice. “Discipline reform,” reported AEI researcher Max Eden, “was implemented by a system of obfuscation enforced by recrimination. The US Department of Education threatened invasive investigations and potential loss of federal funding based on school districts’ discipline numbers. Superintendents passed down the pressure to reduce discipline to principals, who passed it down to teachers.”<sup>90</sup>

Indeed, many school districts track disciplinary referrals by teachers, flagging those who send what to Restorative Justice administrators is an unacceptable number of minority students to the principal’s office. These “equity audits” are applauded by Restorative Justice advocates.<sup>91</sup> The Rhode Island Department of Education admonishes school administrators: “Look for patterns in the data. Is there a particular racial or ethnic category that is receiving a disproportionately higher number of suspensions or a higher number of suspensions for similar infractions? Are certain teachers making a larger number of referrals than others?”<sup>92</sup>

Eager to assist in such monitoring, software vendors like PBISApps, which claims over 3,500 schools use its School-Wide Information System (SWIS),<sup>93</sup> track how often teachers and staff refer minority students for discipline.<sup>94</sup>

86 Klein ISD, “Regulation Room Game Plan” (on file).

87 Duval County Public Schools, IIRP, BJA, “DCPS BJA/IIRP Training Data,” slides 19-26 (on file).

88 Lee County Public Schools, “Chat 1st Presentation,” page 3 (on file).

89 Lee County Public Schools, “Chat 2nd Presentation,” page 2 (on file).

90 Max Eden, “**Two Steps to Restoring School Safety**,” American Enterprise Institute, June 2020

91 Eesha Pendarkar, “**Equity Audits in School Districts: An Explainer**,” *Education Week*, April 18, 2023

92 “**Discipline in Schools: Data Analysis**,” Rhode Island Department of Education

93 “**SWIS Data Summary 2024-25 School Year**,” SchoolApps

94 Megan Cave, “**Go, Engage, Connect: Welcome Student Identity & Improve Equity**,” SchoolApps

When data are available, they are striking. Four years after the Little Rock School District embraced widescale restorative practices, for example, district-wide assaults by students on other students jumped 118%. Assaults by students on teachers and staff climbed 151%.<sup>100</sup> In a January, 2026 meeting during which the Little Rock School Board received data revealing continued high infraction rates among black males, one of the Board members asked a staffer how many students across the district were engaged in “distance learning,” their euphemism for expulsion. The staffer explained that only six were expelled, despite the high rate of student violence. All six were facing felony charges.<sup>101</sup>

An internal survey conducted in Pennsylvania's East Stroudsburg Area Schools personalizes those numbers. Less than half the district's teachers say students treat each other with respect. Forty percent of middle-schoolers don't feel safe in their schools. Over half the elementary children are afraid to go to the bathroom. The cause of all this is no mystery; the survey also reveals that only 30 percent of teachers say their schools consistently hold students accountable.<sup>102</sup>

A member of Oak Park-River Forest (OPRF) High School's "Culture, Climate, and Behavior Committee" in Illinois voiced the same concern during a discussion of Restorative Justice results in their school: "The bathrooms have been a big topic of late, and I don't feel that my children feel safe... I do hear from community members that their children have had issues in the bathroom and don't feel safe in the bathroom."<sup>103</sup> A candidate for the OPRF School Board expressed graver concerns: "We do not believe that the current behavior plan is being enforced in a way that aligns with state law regarding serious infractions with a weapon. Some of the more relaxed responses to violence may have contributed to a marked increase: the school is on pace to double the number of physical altercations this year compared to last."<sup>104</sup>

Parents of students in the aforementioned St. Louis Park, Minnesota Schools, meanwhile, whose officials seek to "racialize the mission" of their schools and increase the "racial consciousness" of students and staff, demanded that Restorative Justice be reconsidered after a massive brawl led to multiple student injuries.<sup>105</sup> Parents in San Diego have expressed similar fears.<sup>106</sup> Gwinnett County Schools in Georgia paused Restorative Justice implementation in 2022 because of rising violence. Rather than seriously evaluate whether to discard Restorative Justice for more tried and true discipline methods, however, school administrators decided the solution was to devote more resources to training staff in how to apply it.<sup>107</sup>

Parents of two children in Indiana's Perry Township School District, where Restorative Justice implementation was well-substantiated via our public records requests, have sued the schools for failing to prevent vicious attacks against their children.<sup>108</sup> One filing claimed that "...students within the Perry Township have become so brazenly violent that they frequently post on social media pictures of guns and gang activity, threats of violence, videos of violent fights occurring at school, and even boasts about their own violent acts without any fear of repercussions."<sup>109</sup>

In both cases, the students reported prior threats and lower-level violence from their attackers to school authorities, and nothing was done.<sup>110</sup>

Julia Carlson, an educator who did a detailed study of Restorative Justice as part of her graduate work, relays a story that seems sadly common in schools applying Restorative Justice. Her sixth-grade son was relentlessly bullied and beaten in a school advocating Restorative Justice. School officials first hid the facts, then declared the remedy was for her child to sit in a restorative session with his three antagonists, facilitated by the school's "Dean of Culture."

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102 Dr. Maggie Vitale, "[Board Presentation](#)," July 21, 2025

103 "[Culture, Climate and Behavior Committee Meeting](#)," Oak Park-River Forest High School, April 16, 2025

104 "[Josh Gertz, Attorney: Candidate for D200 Board of Education](#)," *Wednesday Journal of Oak Park and River Forest*, March 10, 2025

105 Kristina Watrobski, "[Minn. parents demand shift away from 'restorative justice' after school brawl: 'At a loss'](#)" *The National News Desk*, January 26, 2024

106 Kristina Watrobski, "[San Diego parents in fear after school district scales back discipline methods: 'Violence with no consequences'](#)" ABC13 News, March 1, 2023

107 "[Gwinnett County schools to pause part of discipline policy, superintendent says](#)," Fox 5 Atlanta, December 17, 2022

108 Amelia Pak-Harvey, "[Lawsuits allege culture of violence left 2 Perry Township Schools students with head injuries](#)," *Chalkbeat Indiana*, February 19, 2025

109 *Id.*

110 *Id.*



## The Evidence: Restorative Justice Has Worsened Racial Disparities

The overriding goal of Restorative Justice in schools is to reduce suspension rates among minority students, and to “create more equity and inclusion.”<sup>112</sup> However, despite vociferous claims to the contrary among advocates, recent scholarship on the impact of these Restorative Justice programs suggests these efforts are backfiring.

A 2017 study found Restorative Justice became a means of sequestering certain students for alternative discipline, even if that discipline was not formal suspension, thereby preserving and possibly aggravating perceived racial disparities.<sup>113</sup> Its authors claimed that “restorative practices were used more often on Black and Latino students than White students within the same school,” and found that “although the presence of schoolwide positive behavioral supports was associated with decreased exclusions in both elementary and secondary schools, White students benefitted most from this decrease, whereas Black students remained overrepresented in exclusions.”<sup>114</sup>

A 2022 study found that “the adoption of [Restorative Justice] unintentionally widened the racial disproportionality in school discipline they were instituted to mitigate.”<sup>115</sup> Disciplinary outcomes improved for other races of students, but “remained largely unchanged for Black students.” More starkly, suspension rates for Black students in schools during the first three years of Restorative Justice implementation were, “if anything, higher” than in schools without the program. In schools in their fifth year of implementation, Black students were approximately 30 times more likely to be suspended than White students. The study concluded that it “highlights the harm Black students may experience under seemingly progressive school policies.”

Chapel Hill-Carrboro Schools in North Carolina began Restorative Justice implementation in the 2017-2018 school year,<sup>116</sup> with explicit focus on reducing racial disparities in discipline outcomes.<sup>117</sup> The next school year, black students received short-term suspensions 6.5 times as often as white students.<sup>118</sup> Six years later, black students were receiving short-term suspensions 17.6 times as often as white students.<sup>119</sup>

The pattern is clear: Restorative Justice has not narrowed the gaps it was designed to close. It has widened them—consistently, measurably, and at the expense of the students it claims to serve.

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112 See, e.g., Denver School-Based Restorative Practices Partnership, *School-Wide Restorative Practices: Step by Step*, pages 2, 37 (on file); Peace Learning Center, “Restorative Practices: Level 1,” page 1 (on file); Peace Learning Center, “Restorative Practices Level 1: Restorative Principles,” slide 25 (on file).

113 Hilary Lustick, “‘Restorative Justice’ or Restoring Order? Restorative School Discipline Practices in Urban Public Schools,” *Urban Educ.* 1-28 (2017).

114 *Id.* (internal quotations and alterations omitted).

115 Miles Davison, *supra* note 7.

116 “CHCCS Restorative Practice Implementation Plan 2017-2018”

117 Bruce Rosenbloom, “New Discipline Policies Adopted at Chapel Hill-Carrboro City Schools,” *Chapelboro.com*, May 8, 2017.

118 Southern Coalition for Social Justice, “Racial Equity Report Card: 2018-2019”

119 Southern Coalition for Social Justice, “Racial Equity Report Card: 2023-2024”

## Federal and State Funding Fuels Implementation

Federal and state grant funding—much of it never intended for such a use—has financed the spread of Restorative Justice. The advocacy group Defending Education flagged millions in federal grants intended to bolster education resources for poorer school districts going instead to Restorative Justice and related DEI programs.<sup>120</sup> The WestEd Justice & Prevention Research Center approvingly noted that a Detroit school system used federal Title I funds, intended to help poor children close education gaps and succeed, to fund its Restorative Justice program.<sup>121</sup> New York City<sup>122</sup> and Fresno<sup>123</sup> schools used federal COVID relief dollars to pay for their Restorative Justice programs.

Even though federal guidelines make no mention of Restorative Justice as an acceptable use of funds authorized by Congress to support poor students and under-resourced schools, at least two states, Illinois<sup>124</sup> and Colorado,<sup>125</sup> claim in their guidance to school districts that federal funds can be used for Restorative Justice programs. The state of Arkansas, meanwhile, gives its schools funds to help them offset the costs of declining enrollment, but does little to police their use. Unsurprisingly then, the Little Rock School District used its state declining-enrollment money to pay Restorative Justice consultants over \$1.5 million.<sup>126</sup>

A few other examples of school districts using state and federal dollars to pay for Restorative Justice consultants and personnel help paint the picture:

### *Duval County Public Schools — Florida*

The U.S. Department of Justice's Bureau of Justice Assistance awarded a grant to Duval County Public Schools in the amount of \$999,583 to implement the school district's "Duval United for Change" initiative.<sup>127</sup> The project was to begin October 1, 2022 and extend through September 30, 2026, and an extension was subsequently granted to September 30, 2027.<sup>128</sup> Duval County Public Schools' project appears to have also been dubbed "STOP School Violence through Restorative Practices" which seeks to "address the disproportionately high rate of suspensions for Black and Latinx males."<sup>129</sup>

On September 25, 2023, the U.S. Department of Justice, Office of Justice Programs awarded a second grant to Duval County Public Schools, this one totaling \$999,896, to implement the school district's "Duval for Change" initiative,<sup>130</sup> running through September 30, 2027.<sup>131</sup> The purpose of Duval for Change is "to

120 DefendingEd, "[HijackED](#)," May 29, 2025.

121 Trevor Fronius et al, "[Restorative Justice in U.S. Schools](#)," WestEd Justice & Prevention Research Center, March 2019, p. 12.

122 Alex Zimmerman, "[Restorative justice funding could be cut by more than half as fiscal cliff nears](#)," *Chalkbeat New York*, May 14, 2024.

123 Carolyn Jones, "[California schools gained billions during COVID-19. Now the money is running out.](#)" *CalMatters*, March 5, 2024.

124 Illinois Department of Education, "[Grants: Schoolwide Programs: Definition of Title I Schoolwide Program](#)" (accessed July 18, 2026).

125 Colorado Department of Education, "[Title I, Part A Schoolwide Programs](#)" (accessed July 18, 2026).

126 [Agenda of Little Rock School Board meeting](#), July 25, 2024. Grant estimates pulled from publicly available LRSD purchase orders.

127 Approval of Request for a Grant Award Modification, Grant # 15PBJA-22-GG-04687-STOP (on file).

128 *Id.*

129 DOJ, "BJA's STOP School Violence Program" (on file).

130 Award Package to Duval County Public Schools from DOJ Office of Justice Programs, Grant # 15PJDP-23-GK-04182-STOP (on file).

131 Approval of Request for a Grant Award Modification, Grant # 15PJDP-23-GK-04182-STOP (on file).

implement a comprehensive Whole-School Restorative Practices (WSRP) model to transform the climate at ten high-risk Duval County schools.”<sup>132</sup>

### *San Antonio Independent School District — Texas*

Bexar County, Texas, awarded a ReCAST Grant of \$2,687,434 to San Antonio ISD to establish Peace Rooms on 35 campuses, funding 30 positions and all associated décor, activities, and sensory tools.<sup>133</sup>

### *El Paso Independent School District — Texas*

El Paso ISD assembled a grant narrative to apply for U.S. Department of Justice STOP Grant funding. In this narrative, El Paso ISD proposed funding a two-year implementation period spanning October 2024 to September 2026 to implement the “Safe Horizons Program.”<sup>134</sup> Among other things, this program seeks to “use restorative practices to build a culture of respect and accountability through dialogue, empathy, and repairing harm when conflicts arise.”<sup>135</sup>

### *Austin Independent School District — Texas*

Austin ISD has received multiple federal grants for Restorative Justice implementation from both the Department of Justice and the Department of Education.<sup>136</sup> The Department of Education awarded Austin ISD an Education Innovation and Research (EIR) grant supporting implementation of Culturally Responsive Restorative Practices (CRRP) in ten schools, beginning with the 2016–17 school year and continuing through at least 2020.<sup>137</sup> The grant enabled each target school to hire a full-time Restorative Justice Associate.<sup>138</sup>

The Department of Justice, Office of Juvenile Justice and Delinquency Prevention, awarded Austin ISD \$775,000 for the period October 1, 2019 through September 30, 2023.<sup>139</sup> Grant funds were used to hire a Restorative Justice Associate who would “meet with students and staff and challenge their thinking to broaden their knowledge of their own identity and racial lens.”<sup>140</sup>

Austin ISD also applied for \$1,000,000 for its “Looking FORWARD” project, spanning October 1, 2023 through September 30, 2026, to “pilot a restorative justice initiative” producing “a scalable diversionary discipline alternative.”<sup>141</sup>

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132 Award Package to Duval County Public Schools from DOJ Office of Justice Programs, Grant # 15PJDP-23-GK-04182-STOP (on file).

133 Bexar Cnty. Dep’t of Pub. Health, “**ReCAST: Resiliency in Communities After Stress and Trauma.**”

134 El Paso ISD, “Safe Horizons” STOP Grant Narrative (on file).

135 *Id.*

136 Austin ISD, “Cultural Proficiency & Inclusiveness,” slide 17 (on file).

137 Austin ISD, “Board Response to Trustee C. Anderson RE: Discipline” (on file).

138 *Id.*

139 OJJDP DCTAT Performance Data Report for Reporting Period January 1, 2020-December 31, 2023, Grant # 2019-CV-FX-K002 (on file).

140 *Id.* at page 6 (on file).

141 Austin ISD, “Looking FORWARD Application 2023” (on file).

## Scope

Seeing the materials detailed above applied in just a single school would be troubling enough, but the question now becomes: How many schools across America have implemented such practices? Our team is completing a first-of-its-kind assessment of every public and charter school district in the U.S. to determine which schools openly practice alternative discipline either called or equivalent to Restorative Justice. Thus far we've uncovered 625 school districts, comprising over 9,200 schools across 41 states, whose materials detail the practices they've implemented to circumvent traditional discipline. We've compiled links to each school's discipline documentation, and will continue to identify schools practicing these harmful policies. We've also compiled a list of state statutes that appear to forbid the practices uncovered in our investigation. [Our database](#) will be available to parents, teachers, and state and local officials concerned about how many schools in their own backyards are continuing to operate as if the Obama and Biden policies are in effect.

## Next Actions

Our investigation reveals widespread practices that not only harm our children, but are arguably in violation of state and federal law. They are conducted with taxpayer dollars in schools that fall under the authority of public officials who are largely uninformed about their true intentions and content. It now falls to those public officials to investigate these practices in the schools under their authority, and hold malfeasors to account.

In order to bring this malpractice and potential criminal activity to light, our team is reaching out to several state attorneys general, state legislative leaders with public school oversight authority, U.S. House and Senate members sitting on committees with authority to investigate public school practices, the White House, Department of Education Office of Civil Rights, and the Department of Justice. Actions these officials have the authority to take include:

- AG opinion letters forbidding these practices in public schools
- Enforcement proceedings where these practices violate state statutes
- Legislative oversight investigation and hearings
- Grant terminations
- Terminations of contracts for school employees hired to implement these practices
- Federal Title VI review

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