

The Need for Restorative Justice in Guilford County Public Schools
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I. Introduction

Parents and students in Guilford County Public Schools are concerned by the District's disciplinary policies. School disciplinary practices, such as long and short-term suspensions, expulsions, and court referrals negatively impact students, particularly students of color.¹ These disciplinary practices directly contribute to the School-to-Prison Pipeline.²

Around the country, school systems have been looking for alternatives to harmful disciplinary practices. Instead of relying on suspensions and court referrals, more and more schools have turned to Restorative Justice as a better way of addressing conflict and student behavior.³ Restorative Justice practices hold students accountable for their behavior while decreasing further disciplinary incidents and increasing students' feelings of trust, understanding, and healing.⁴

In response to parents' and students' concerns with Guilford County disciplinary policies, this paper addresses the following: First, the problems with current school discipline for student misbehavior, i.e., suspensions and court referrals, and the disproportionate effect these harmful policies have on students of color. Second, the need for Restorative Justice programs in schools. Third, the current status of school budgets and school safety in Guilford County. Fourth, the opportunity for Guilford County to use its resources and funding to support Restorative Justice practices in schools.

¹ NAACP Legal Defense Fund, *Dismantling the School-to-Prison Pipeline* (2018). <https://www.naacpldf.org/our-thinking/issue-report/criminal-justice/dismantling-the-school-to-prison-pipeline/>

² *Id.*

³ Gabriel Velez, et al., *Rethinking Responses to Youth Rebellion: Recent Growth and Development of Restorative Practices in Schools*, 35 CURRENT OPINION IN PSYCH. 36, 36 (Oct. 2020). <https://pubmed.ncbi.nlm.nih.gov/32283520/>

⁴ *Id.*

II. Local and National Statistics on School Disciplinary Practices

The School-to-Prison Pipeline is unfortunately a prominent part of North Carolina schools because these schools are criminalizing children and pushing them out of the classroom.⁵

As defined below:

“The school-to-prison pipeline refers to exclusionary disciplinary systems in schools that disrupt children’s education and increase the likelihood that affected students will end up in the criminal justice system. These systems use suspension and expulsion to effectively criminalize even minor infractions, such as swearing or talking back in class, and rely on school resource officers or police to enforce them.”⁶

Schools are more likely to suspend and criminally punish Black students than their white peers, pushing students of color farther down the pipeline.⁷ Because of a school’s harsh disciplinary policies, suspended students are at a higher risk of dropping out, failing a grade, or being incarcerated as an adult.⁸

The following sections discuss Guilford County statistics and national data regarding school discipline. The data clearly demonstrates how schools across the country – including Guilford County schools – are disproportionately disciplining and pushing Black students out of the classroom.

⁵ Akilah Davis & Maggie Green, *Society sees Black kids as more aggressive: School to prison pipeline prominent in some NC schools*, ABC 11 (Aug. 27, 2021).

<https://abc11.com/school-to-prison-pipeline-facts-statistics-preschool/10978788/>

⁶ Carol Potera, *Turning Off the School-to-Prison Pipeline*, 121 AM. J. NURSING (MAY 2021).

<http://ovidsp.ovid.com.proxy.lib.duke.edu/ovidweb.cgi?T=JS&CSC=Y&NEWS=N&PAGE=fulltext&AN=00000446-202105000-00008&D=ovft>

⁷ NAACP Legal Defense Fund, *Dismantling the School-to-Prison Pipeline* (2018).

<https://www.naacpldf.org/our-thinking/issue-report/criminal-justice/dismantling-the-school-to-prison-pipeline/>

⁸ *Id.*

Guilford County Statistics

From 2019-2020, there were 5,463 suspensions in Guilford County Public Schools.⁹ In Guilford County, Black students constitute about 40 percent of the student body.¹⁰ However, from the 2019-2020 school year, Black students constituted approximately 71.2 percent of all suspensions.¹¹ In contrast, white students, who make up about 30 percent of the student body, only constituted about 11 percent of all suspensions.¹² Consequently, in Guilford County, Black students receive short-term suspensions at **4.8 times** the rate of white students. Black students receive in-school suspensions at **2.7 times** the rate of white students.¹³ Because of these disproportionate suspensions, Black students have missed significantly more days of school and academic instruction than their peers. For example, from 2017-2018, suspended Black students have missed **8.1 times** more school days than their white peers.

School disciplinary practices lead not only to suspensions and expulsions, but to involvement with the criminal court system. From 2010-2019, schools were responsible for almost half of all juvenile criminal complaints.¹⁴ This number is likely an undercount since many North Carolina schools fail to properly document and record students' interactions with police.¹⁵

⁹ North Carolina Dept. of Pub. Instruction, Discipline, ALP, and Dropout Annual Reports, *Suspension Table S5 2019-20*, (2019-2020).

¹⁰ Southern Coalition for Social Justice, Racial Equity Report Card (2019-2020).
<https://rerc.southerncoalition.org/page/report-card-by-agency?var=agencyId:guilford-county-in-north-carolina-nc&var=reportCardStartYear:2019>

¹¹ North Carolina Dept. of Pub. Instruction, Discipline, ALP, and Dropout Annual Reports, *Suspension Table S5 2019-20*, (2019-2020).
<https://www.dpi.nc.gov/data-reports/dropout-and-discipline-data/discipline-alp-and-dropout-annual-reports#2019-20>

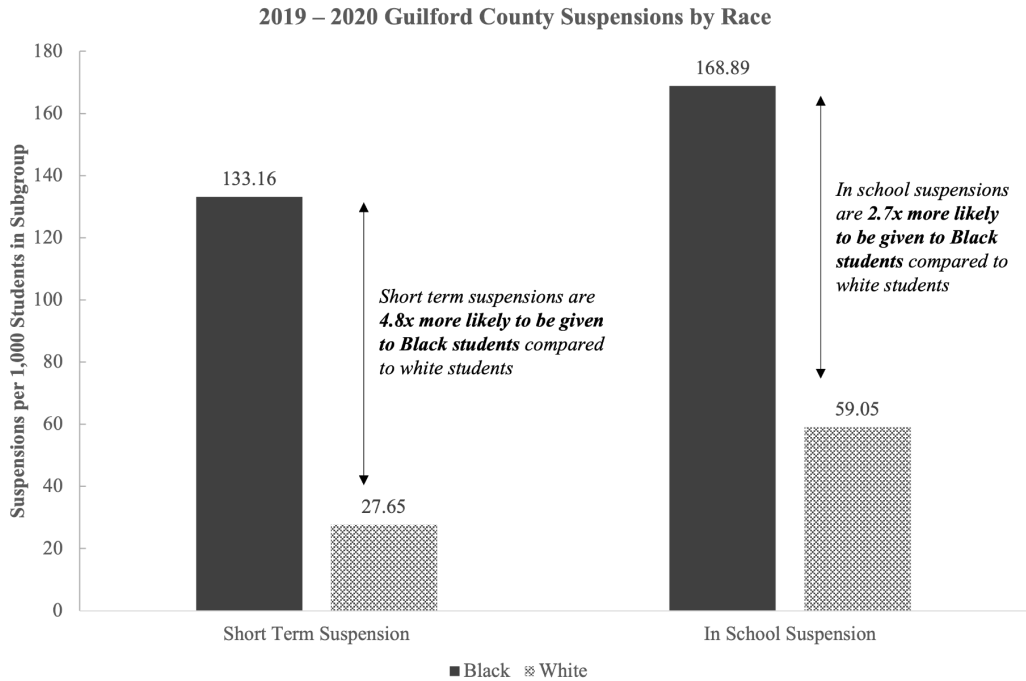
¹² *Id.*

¹³ *Id.*

¹⁴ North Carolina Department of Public Safety, North Carolina Division of Juvenile Justice Annual Report (2019),
<https://www.ncdps.gov/documents/juvenile-justice-section-2019-annual-report>

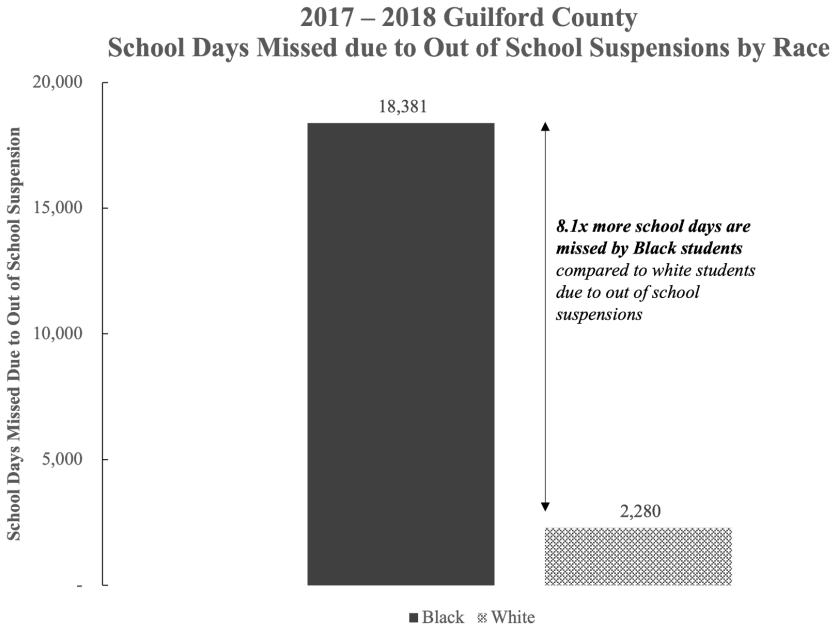
¹⁵ Lisa Worf, "Many North Carolina Schools Don't Track Interactions With Police," WFAE (Sept. 24, 2021),
<https://www.wfae.org/education/2021-09-24/many-north-carolina-schools-dont-track-interactions-with-police>

Guildford County Suspensions by Race



Source: NC Department of Public Instruction, Guilford County NC Report Card, <https://ncreports.ondemand.sas.com/src/district?district=410LEA&year=2020>

Days Missed Because of Suspensions



Source: Civil Rights Data Collection, Guilford County Schools, <https://ocrdata.ed.gov/profile/9/district/29120/schooldaysmissedsuspension>

National Statistics

Unfortunately, the racial inequity in Guilford County schools is part of a larger, national trend wherein schools are more likely to suspend, punish, and expel Black students than their white peers. In June 2021, the U.S. Department of Education Office of Civil Rights published its national report on disciplinary practices in public schools from 2017-18.¹⁶ In the United States, Black children make up only 15.1 percent of students in public schools, but receive 38.8% of expulsions with educational services and 38.2 percent of out-of-school suspensions, which *is more than twice their school population*.¹⁷ In comparison, white children constitute 47.3 percent of students in public schools, but receive only 33.4 percent of expulsions with educational services and 32.9 percent of out-of-school suspensions.¹⁸ Black students also received a disproportionate number of school arrests (31.6 percent) and referrals to law enforcement (28.7 percent), about double their school population size.¹⁹

¹⁶ U.S. Dep't of Educ., Office for Civil Rights, *An Overview of Exclusionary Discipline Practices in Public Schools for the 2017-18 School Year* (June 2021) <https://www2.ed.gov/about/offices/list/ocr/data.html>

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

School Expulsions with Educational Services by Race and Ethnicity (2017-18)

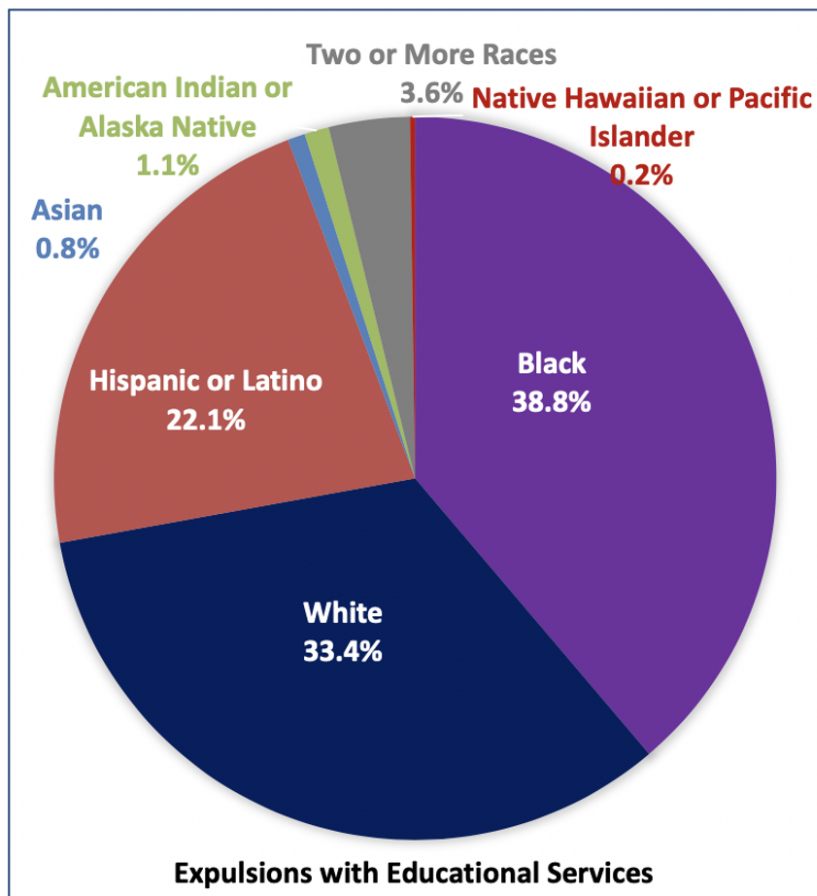
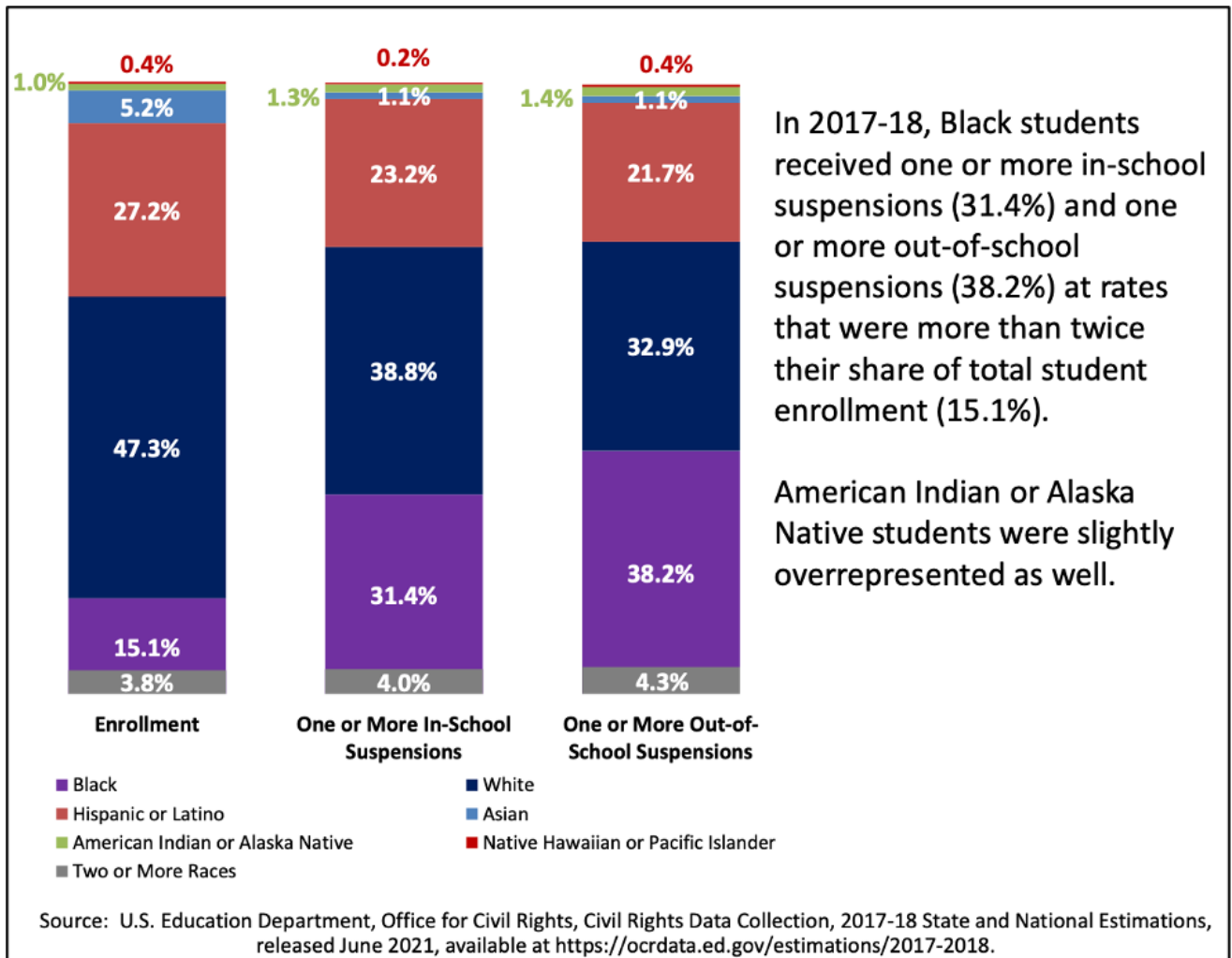


Chart from U.S. Education Department, Office for Civil Rights, 2017-18 Civil Rights Data Collection, released October 2020, updated May 2021, available at <https://ocrdata.ed.gov>.

School Suspensions by Race and Ethnicity (2017-18)



School-Related Arrests & Referrals to Law Enforcement (2017-18)

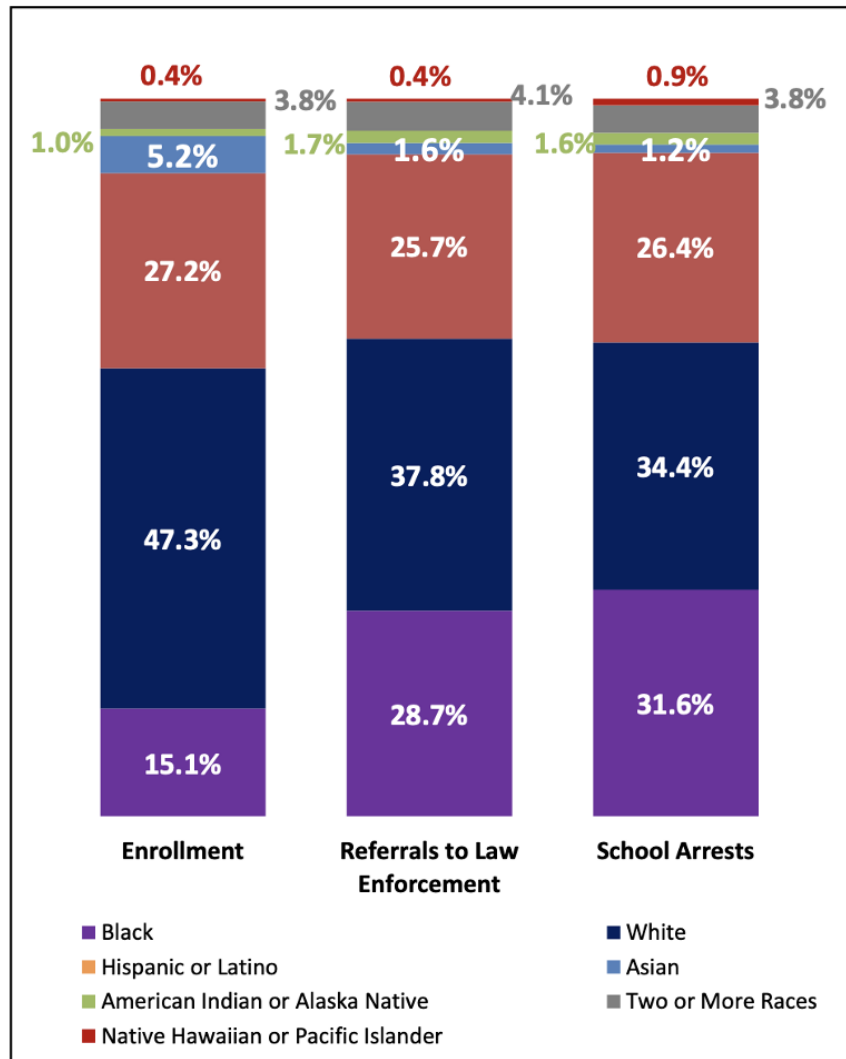


Chart from U.S. Education Department, Office for Civil Rights, 2017-18 Civil Rights Data Collection, released October 2020, updated May 2021, available at <https://ocrdata.ed.gov>.

Suspensions Negatively Impact Students

School suspensions hinder children's development, negatively affect their academic progress, and lead to social isolation and alienation.²⁰ As the American Institute for Research reported and multiple other studies have affirmed, exclusionary discipline, including long-term suspensions, "has been linked to a host of negative outcomes, including poor grades, disengagement, chronic absenteeism, grade repetition, dropout, lower graduation rates, adult mental illness, and incarceration."²¹

Further, severe exclusionary discipline "has *no positive effect* on students' future involvement in behavioral incidents"²² and "there is *no evidence* that suspension is effective in teaching alternative proactive behaviors, and may have the opposite effect of exacerbating undesirable behaviors."²³ This suggests that exclusionary punishment fails to help the student learn that his or her behavior was wrong and the need to change to either become a better person or avoid future punishment.²⁴ Thus, suspensions and school discipline do not serve as a deterrent to student's future misbehavior and may increase problematic behavior of younger students.²⁵ Since the research clearly shows that school suspensions, expulsions, and court referrals have no

²⁰ Jill Sharkey & Pamela Fenning, *Rationale for Designing School Contexts in Support of Proactive Discipline*, 11 J. SCH. VIOLENCE 95, 96–97 (2012).

<https://heinonline-org.proxy.lib.duke.edu/HOL/Page?lname=Sharkey&handle=hein.journals/wjsv11&collection=&page=95&collection=journals>

²¹ Christina LiCalsi, et. al., *An Empirical Examination of the Effects of Suspension and Suspension Severity on Behavioral and Academic Outcomes*, AM. INST. FOR RES., 2 (2021).

<https://www.air.org/project/less-more-effects-suspension-and-suspension-severity-behavioral-and-academic-outcomes>

²² *Id.* at 5.

²³ Jill Sharkey & Pamela Fenning, *Rationale for Designing School Contexts in Support of Proactive Discipline*, 11 J. SCH. VIOLENCE 95, 96–97 (2012).

<https://heinonline-org.proxy.lib.duke.edu/HOL/Page?lname=Sharkey&handle=hein.journals/wjsv11&collection=&page=95&collection=journals>

²⁴ Christina LiCalsi, et. al., *An Empirical Examination of the Effects of Suspension and Suspension Severity on Behavioral and Academic Outcomes*, AM. INST. FOR RES., 5 (2021).

<https://www.air.org/project/less-more-effects-suspension-and-suspension-severity-behavioral-and-academic-outcomes>

²⁵ *Id.* at 1.

positive effect on student behavior, but, indeed, negatively impact children, schools must look for alternatives.

III. An Alternative to Exclusionary School Discipline: Restorative Justice

What is Restorative Justice?

Restorative Justice (RJ) provides an alternative form of justice than is typical of the United States criminal justice system. RJ processes focus on the needs of the people and communities harmed by wrongdoing and provides an opportunity for people who caused harm to take accountability.²⁶ This process has deep roots in indigenous communities who leveraged a peacemaking process in response to harm. In such peacemaking processes, the person who was harmed and the person who caused the harm are brought together, along with supporters.²⁷ RJ practices prioritize healing and reintegration into the community.²⁸

Restorative justice processes have psychological benefits for those involved. A review of RJ studies showed that both victims and offenders had more positive views of RJ than standard court processes; for example more victims believed the offender was held accountable and more offenders felt they had an opportunity to tell their stories in RJ practices.²⁹ Particularly for

²⁶ *Welcome to Restorative Justice Durham*, Restorative Just. Durham (2021) [https://www.restorativejusticedurham.org/#:~:text=Restorative%20Justice%20Durham%20\(RJ%20Durham,practice%20of%20accountability%20and%20repair.](https://www.restorativejusticedurham.org/#:~:text=Restorative%20Justice%20Durham%20(RJ%20Durham,practice%20of%20accountability%20and%20repair.)

²⁷ Laura Mirsky, *Restorative Justice Practices of Native American, First Nation and Other Indigenous People of North America: Part One*, Int'l Inst. for Restorative Practices (2004), <https://www.iirp.edu/news/restorative-justice-practices-of-native-american-first-nation-and-other-indigenous-people-of-north-america-part-one.>

²⁸ *Id.*

²⁹ Barton Poulson, *A Third Voice: A Review of Empirical Research on the Psychological Outcomes of Restorative Justice*, Utah L. Rev. 167 (Jan. 2003), https://www.researchgate.net/publication/228859300_Third_Voice_A_Review_of_Empirical_Research_on_the_Psychological_Outcomes_of_Restorative_Justice_A.

victims, they have reported feelings of empowerment after completing RJ.³⁰ Victims also can see the benefit of a decrease in post-traumatic stress.³¹

What are the Results of Restorative Justice in Schools?

There is mounting evidence that when RJ approaches are effectively implemented, relationships in school become stronger.³² For students, these RJ experiences can promote a sense of belonging.³³ Further, students come away believing that adults' treatment and discipline of students is more just, even when gaps in discipline are not substantially changed.³⁴ There is also some indication that RJ may influence students' orientations and conceptions of self.³⁵

There is a high degree of variability in the implementation and evaluation of RJ practices in schools.³⁶ But well-implemented RJ programs in school could reduce punitive disciplinary actions and problem behavior over the length of time.³⁷ Not only can RJ programs help reduce exclusionary discipline, but can also narrow glaring racial disparities in how discipline is meted out in schools.³⁸ The success of RJ can be seen across the country in:³⁹

³⁰ Ivo Aertsen et al. *Restorative Justice and the Active Victim: Exploring the Concept of Empowerment*, Temida 14(1) (Jan. 2011), https://www.researchgate.net/publication/215564643_Restorative_justice_and_the_active_victim_exploring_empowerment.

³¹ Alex Lloyd & Jo Borrill, *Examining the Effectiveness of Restorative Justice in Reducing Victims' Post-Traumatic Stress*, Psych. Inj. and L. 13, 77 (Dec. 9, 2020), <https://link.springer.com/article/10.1007/s12207-019-09363-9>.

³² Gabriel Velez, et al., *Rethinking Responses to Youth Rebellion: Recent Growth and Development of Restorative Practices in Schools*, 35 CURRENT OPINION IN PSYCH. 36 (Oct. 2020). <https://pubmed.ncbi.nlm.nih.gov/32283520/>

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.*

³⁶ Barbara Katic et al., *A Systematic Evaluation of Restorative Justice Practices: School Violence Prevention and Response*, 19:4 J. of School Violence (Oct. 12, 2019), <https://www.tandfonline.com/doi/abs/10.1080/15388220.2020.1783670>.

³⁷ Trevor Fronius et al., *Restorative Justice in U.S. Schools*, Just. & Prevention Rsch. Ctr. 24 (2019).

³⁸ Tim Walker, *Restorative Practices in Schools Work ... But They Can Work Better*, neaToday (2020), <https://www.wested.org/wp-content/uploads/2019/04/resource-restorative-justice-in-u-s-schools-an-updated-research-review.pdf>.

³⁹ Fronius et al., at 24 - 25.

Location	Results
Texas	84 percent drop in out-of-school suspensions among sixth graders during the first year of implementing RJ
Denver, CO	44 percent decrease in out-of-school suspensions and expulsions during the three years after implementing RJ
Oakland, CA	4 percent drop in suspensions and 77 percent decrease in referrals for violence during a two-year follow-up
Philadelphia, PA	“violent acts and serious incidents” dropped 52 percent in the first year of RJ implementation
Merced, CA	All categories of suspensions dropped after implementation of facilitated restorative professional learning group training

Programs should not be singularly focused on reducing suspension, because those will fall short on capturing the systemic reform goals of RJ; the most successful programs are comprehensive and strategically implemented.⁴⁰

Restorative Justice in North Carolina

Restorative Justice Durham (RJD) has utilized RJ practices for those charged with crimes in Durham. Of those diverted to the RJD program, 98 percent completed the process successfully. Peaceful Schools NC is working specifically in the educational space to empower schools to “create and sustain healthy learning environments” with the help of RJ.⁴¹ Since 2009, this organization has offered support for schools, professional development workshops for teachers and school leaders, and programming for students.⁴² There is also Triad Restorative Justice, based in Winston Salem. Triad RJ focuses on fostering peace, equity, and trust in the

⁴⁰ Walker.

⁴¹ *Who We Are*, Peaceful Schools NC, <http://www.peacefulschoolsnc.org/>.

⁴² *Id.*

communities in response to conflict, crime, and injustice through training, community programs, circles, assistance for schools, and peacebuilding and justice.⁴³

IV. The Budget and Education Funding

The State Budget

At the end of 2021 – in the first budget passed since 2018 – the North Carolina State Legislature and Governor agreed on a spending plan for 2021-22 and 2022-23.⁴⁴ Looking at just K-12 education, the state is appropriating \$10.6 billion in FY 2021-22 and \$10.9 billion the following year, FY 2022-23.⁴⁵ Governor Cooper’s initial proposal would have included \$11 billion and \$11.65 billion for those years, respectively, but the state legislature returned with lower numbers proposed.⁴⁶ These budgets include moderate salary increases, bonuses, and funds to supplement salaries for teachers.⁴⁷ Salary increases and supplements were also included for school psychologists, audiologists, speech pathologists, and school counselors.⁴⁸ The U.S. Department of Education approved the state’s plan to use funds from the American Rescue Plan (ARP) Funds to support K-12 schools and students.⁴⁹ As a result, the state budget allocated a portion of the ARP funds, including \$36 million for COVID-19 related needs such as

⁴³ *Our Mission*, Triad Restorative Just., <http://www.triadrij.org/>.

⁴⁴ Alex Granados et al., *At Long Last, A Budget. What Does it Mean for K-12 and Early Childhood Education*, EdNC (Dec. 13, 2021), <https://www.ednc.org/12-13-2021-at-long-last-a-budget-what-does-it-mean-for-education/>.

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ *U.S. Department of Education Approves North Carolina’s Plan for Use of American Rescue Plan Funds to Support K-12 Schools and Students, Distributes Remaining \$1.2 Billion to State*, U.S. Dep’t of Education (Sept. 13, 2021), <https://www.ed.gov/news/press-releases/us-department-education-approves-north-carolinas-plan-use-american-rescue-plan-funds-support-k-12-schools-and-students-distributes-remaining-12-billion-state>.

“after-school and before-school programs that incorporate supplemental in-person instruction to address learning loss and provide enrichment activities.”⁵⁰

There are also state grants for restricted purposes, such as school safety grants.⁵¹ Some of these school safety grants included: \$17 million for the Elementary and Middle School Safety Officers Grant, \$3 million for the School Safety Equipment Grant, and \$3 million for the Training to Increase School Safety Grant to Community Partners.⁵² Additionally, each local educational agency (LEA) receives the dollar equivalent of one resource office per high school.⁵³

Guilford County Budget

Per North Carolina state statutes, Guilford County Schools (GCS) must ask county commissioners for local funding allocations each year.⁵⁴ The superintendent recommended an operating budget of about \$743 million and a total budget of \$807 million.⁵⁵ The budget included: \$30,000 to increase the Family Justice Center budget to provide programming support for Pathways and Camp Hope; \$1.07 million to add 15 school nurse positions in Health and Human Services to expand school medical care; and \$3.5 million for education including salary increases for teachers, nutrition workers, and school nurses.⁵⁶ Advocates from Guilford for All and the County’s Association of Educators had called on the county commissioners to eliminate vacant positions within the county’s sheriff’s department in exchange for more school funding.⁵⁷

⁵⁰ Granados.

⁵¹ *Highlights of the North Carolina Public School Budget*, N.C. Dep’t of Pub. Instruction 1 (2019), <https://www.dpi.nc.gov/media/1523/download>.

⁵² *Id.* at 8.

⁵³ *Id.* at 10.

⁵⁴ *Superintendent Presents Budget Recommendation for 2021-22*, Guilford County Schools, (Apr. 20, 2021), <https://www.gcsnc.com/site/default.aspx?PageType=3&DomainID=4&ModuleInstanceID=174&ViewID=6446EE88-D30C-497E-9316-3F8874B3E108&RenderLoc=0&FlexDataID=144921&PageID=1>.

⁵⁵ *Id.*

⁵⁶ *FY 2021-22 Adopted Budget*, Guilford Cty. (2021), <https://www.guilfordcountync.gov/our-county/budget-management-evaluation/fy-2021-22-budget>.

⁵⁷ Sayaka Matsuoka, *Activists Want Fewer Deputies, More School Funding, but County Commissioner Says It’s Not so Simple*, Triad City Beat (Jun. 2, 2021), <https://triad-city-beat.com/fewer-deputies-more-school-funding/>.

V. School Safety in Guilford County

The North Carolina Department of Public Instruction (NCDPI) School Safety Grants Program provides for school resource officers (SROs), school equipment, and services for students in crisis.⁵⁸ It is acknowledged that other evidence-based crisis services would likely *increase* school safety as opposed to the present services provided.⁵⁹

SROs are prevalent across North Carolina's public schools. Approximately 79 percent of schools serving 84 percent of students have SROs assigned on at least a rotating basis, if not full time.⁶⁰ Almost all middle and high schools have SROs assigned to them, along with two-thirds of elementary schools. *Id.* Guilford County has been using SROs since 1994.⁶¹

According to a survey of NC SROs from 2018, they are disproportionately white (80 percent) and male (over 75 percent).⁶² The SROs are employed by a few different entities: 65 percent of them are employed by the Sheriff's Office, 30 percent by the Police Department, and 5 percent by the School System Police Agency.⁶³ One such police department employing SROs is Greensboro; the city advertises that 20 of its police officers are in 16 Guilford County middle and high schools.⁶⁴ About 18 percent of the SRO positions are grant funded positions from the

⁵⁸ NC DPI School Safety Grants (North Carolina), K12 Grants.info, <https://www.k12grants.info/GrantDetails.aspx?gid=54933#:~:text=The%20NCDPI%20School%20Safety%20Grants,school%20mental%20health%20support%20personnel.&text=Services%20for%20Students%20in%20Crisis>.

⁵⁹ *Id.*

⁶⁰ Kate Duke, *The Prevalence of School Resources Officers in North Carolina's Public Schools* (Duke University, Master's Project, 2021), <https://dukespace.lib.duke.edu/dspace/bitstream/handle/10161/22744/Dukes.Katie.FinalMP.pdf?sequence=2&isAllowed=y>.

⁶¹ *School Resources Officers*, Guilford Cty., <https://www.guilfordcountync.gov/our-county/sheriff-s-office/divisions/school-resource-officers>.

⁶² *North Carolina School Resource Officer Survey*, North Carolina State Board of Education Department of Public Instruction (2018), <https://files.nc.gov/dpi/documents/cfss/law-enforcement/2018-srosurvey.pdf>.

⁶³ *Id.*

⁶⁴ *School Resource Officers*, Greensboro NC, <https://www.greensboro-nc.gov/departments/police/school-resource-officers>.

Department of Public Instruction (DPI).⁶⁵ An overwhelming majority (85 percent) of the SROs are the only SRO assigned to their school.⁶⁶

The widespread use of SROs has not gone unchallenged. Guilford For All recommended decreasing the school system's reliance on SROs to "lessen racial inequity in suspensions."⁶⁷ In lieu of SROs, the organization called for increased access to social workers, counselors, nurses, and psychologists to support students' mental and physical health.⁶⁸ In Greensboro, for instance, the city decided not to pay \$500,000 for an SRO program.⁶⁹ Guilford County had been paying the city about \$1.1 million a year for the program to assign a police officer to every high school and middle school in the city.⁷⁰

VI. Conclusion

Guilford County parents and students recognize the ineffectiveness and harmfulness of current school disciplinary practices. These families respectfully ask the Guilford County School Board to consider replacing exclusionary disciplinary policies with Restorative Justice practices, in order to see all students thrive.

⁶⁵ *North Carolina School Resource Officer Survey*.

⁶⁶ *Id.*

⁶⁷ *Education for All of Us*, Guilford for All, last accessed March 26, 2022, <https://guilford4all.org/our-platform/education-for-all-of-us/>.

⁶⁸ *Id.*

⁶⁹ John Hammer, *City Council Decides Not to Pay for SRO Program*, RHINO Times (Jun. 6, 2020), <https://www.rhinotimes.com/news/city-council-decides-not-to-pay-for-sro-program/>.

⁷⁰ *Id.*