Restorative Justice in Schools

By Carol Schoenecker

School districts in the United States have historically used an authoritarian and retributive approach to student discipline: students who commit offenses against school rules are punished. In 2006, more than 3.3 million students were suspended out of school at least once and 102,000 were expelled. Furthermore, out-of-school suspensions increased by 250,000 between 2002 and 2006. The majority of these disciplinary actions were for minor misbehaviors, such as disruptive behavior, insubordination, or school fights. This method of retributive punishment isolates the offender and functions primarily through a culture of fear—aiming to scare wayward youth away from deviant behavior. There is, however, little evidence that this approach, in either its traditional or “zero tolerance” form, has been effective. Alternative approaches to justice may be able to address deviant behavior at its source and foster a set of values and community that could dissuade these acts in the future.

As an alternative, schools might employ a restorative justice approach, based on seeking to understand the causes of deviant behavior and attempting to reintegrate a student offender back into the school community. This article first explores the ideas and methods behind restorative justice programs in schools. Second, it examines the benefits of choosing justice methods in schools that focus on restorative morals and techniques. Third, it reviews the difficulties and limitations that come with implementing restorative justice programs across the country. Lastly, it suggests areas for further implementation.

School Discipline through Punishment

In theory, discipline in schools is supposed to help youth learn to take responsibility for their actions and behavior while giving a sense of structure and control in the classroom. Retribution usually fails to educate students and often fails to resolve conflicts at all, which may actually make the school environment more dangerous and further take away from the learning environment. Nevertheless, this approach has long dominated school discipline in the United States.

This bad situation became worse as “zero tolerance” (automatic punishment regardless of the circumstances) became increasingly popular in the late 1980’s. The zero tolerance policy under the Gun-Free Schools Act of 1994, for example, mandated expulsion for no less than one academic year for bringing a weapon to school. In recent years school policies that emphasize “zero tolerance” for offenses and rule breaking have blurred the line between school administrators and local authorities—as well as private security forces. Over time, the zero tolerance approach has been extended to include minor offenses and nonviolent behavior (in some cases students as young as five were suspended for bringing paper clips, mints, and cough drops to school).

There is little evidence that zero tolerance has improved student behavior and school climates. The sheer number of disciplinary
actions, as noted above, raises questions about its effectiveness. Furthermore, minority students are being expelled and punished at a much higher rate than white students, exacerbating existing inequalities.

Zero tolerance, and punishment in general, may appear to teachers and school administrators with shrinking resources as a quick and low-cost solution to their problems. Instead of improving the academic environment, however, punishing students in this way disrupts learning for everyone and isolates students with disciplinary problems from the school environment meant to help them and better their chances. In addition, the time spent outside of school increases the opportunity for deviant behavior.

RESTORATIVE JUSTICE MODEL

Most states have been hesitant in trying out or funding restorative justice programs in schools. The state of Illinois is a notable exception. Illinois has adopted a specific model of restorative justice to deal with youth offenders—the Balanced and Restorative Justice philosophy (BARJ). The Illinois Juvenile Justice Reform Act passed in 1998 allowed for authorities throughout the state to implement restorative practices and incorporate BARJ philosophies into the juvenile justice system. (For a detailed description of the BARJ model, see Jessica Ashley and Kimberly Burke, Implementing Restorative Justice: A Guide for Schools (Chicago: Illinois Criminal Justice Information Authority, 2007.)) In recent years, the BARJ initiative has been able to fund school restorative justice programs as well as further research into the practice. Because of the amount of research and information available on the BARJ model, this article will largely focus on this information when looking to the limitations and successes of restorative justice programs.

BARJ defines restorative justice as "a philosophy based on a set of principles that guide the response to conflict and harm that have been grounded and used in ancient practices by various indigenous cultures and religious groups." This model largely focuses on three main goals: accountability, community safety, and competency development. In other words, restorative practices aim to provide opportunities for offenders to be accountable to those they have affected and give them a chance to repair the damage they have done by admitting their mistakes and working towards forgiveness. Restorative practices also aim to keep communities safe by building relationships between offenders and community members through widespread community involvement with the school and students, and address underlying factors that lead offenders (or youth in this particular case) to engage in delinquent behavior such as miscommunication or misunderstandings between students and/or faculty.

One of the principles behind restorative justice is that the morals and behaviors involved in reconciliation extend well beyond conflicts that involve an actual violation of law. For restorative justice philosophies in schools, this means using restorative techniques to attempt to fix damages to the relationships in the school and throughout the community. Misconduct is viewed as a violation against not only individual people, but against the school community as a whole. Victims may be teachers, school staff, bystanders, other students, or the school community in addition to an individual who was directly harmed. Even when there is no such individual, there may be victims who were harmed indirectly, as in truancy. At first glance, truancy may appear to have no clear victim, but the effects of a student's truancy can extend to teachers who invest in the student, and peers who suffer when the student continually misses school. Additionally, the other students may suffer when the teacher is forced to invest additional focus and time on the absent student to help them catch up in their coursework.

Figure 1. A comparison of punitive and restorative justice responses

<table>
<thead>
<tr>
<th>PUNITIVE</th>
<th>RESTORATIVE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Misbehavior defined as breaking school rules of letting the school down.</td>
<td>Misbehavior defined as harm (emotional/mental/physical) done to one person/group by another.</td>
</tr>
<tr>
<td>Focus is on what happened and establishing blame or guilt.</td>
<td>Focus on problem-solving by expressing feelings and needs and exploring how to address problems in the future.</td>
</tr>
<tr>
<td>Adversarial relationships and process. Includes an authority figure with the power to decide on penalty, in conflict with wrongdoer.</td>
<td>Dialogue and negotiation, with everyone involved in the communication and cooperation with each other.</td>
</tr>
<tr>
<td>Imposition of pain or unpleasantness to punish and deter/prevent.</td>
<td>Restitution as a means of restoring both parties, the goal being reconciliation and acknowledging responsibility for choices.</td>
</tr>
<tr>
<td>Attention to rules and adherence to due process.</td>
<td>Attention to relationships and achievement of a mutually desired outcome.</td>
</tr>
<tr>
<td>Conflict/wrongdoing represented as impersonal and abstract; individual versus school.</td>
<td>Conflict/wrongdoing recognized as interpersonal conflicts with opportunity for learning.</td>
</tr>
<tr>
<td>One social injury compounded by another.</td>
<td>Focus on repair of social injury/damage.</td>
</tr>
<tr>
<td>School community as spectators, represented by member of staff dealing with the situation; those directly affected uninvolved and powerless.</td>
<td>School community involved in facilitating restoration; those affected taken into consideration; empowerment.</td>
</tr>
<tr>
<td>Accountability defined in terms of receiving punishment.</td>
<td>Accountability defined as understanding impact of actions, taking responsibility for choices, and suggesting ways to repair harm.</td>
</tr>
</tbody>
</table>

Because restorative justice programs aim to combine strict control of youth behavior with strong support, BARJ focuses on including
students in the disciplinary process. The hope is that by giving students a more supportive, inclusive, and educational environment, they will be less likely to continue to engage in deviant behavior. In *The Little Book of Restorative Discipline for Schools: Teaching Responsibility; Creating Caring Climates*, (Intercourse: Goodbooks, 2005), Loraine Stutzman Amstutz and Judy H. Mullet suggest the following goals in implementing restorative discipline:

- Creating caring climates to support healthy communities
- Understanding the harm and developing empathy for both the harmed and the person who harmed
- Listening and responding to the needs of the person harmed and the person who harmed
- Encouraging accountability and responsibility through personal reflection within a collaborative environment
- Reintegrating the harmer into the community as a valuable, contributing member of society
- Changing the system when it contributes to harm.

By establishing a culture of restorative justice, a school can set the standard for behavior for all students. That requires discussion of restorative justice philosophy in the classroom from the very beginning. (See Figure 1 for a comparison of punitive and restorative justice responses in schools.)

**IMPLEMENTING RESTORATIVE JUSTICE**

Though there are a multitude of ways to implement restorative justice programs in schools after a conflict has occurred, the most common method is mediation using peacemaking circles—bringing together a mediator or facilitator as a neutral third party to help the participants share information, personal feelings, and their point of view in the conflict. As Ashley and Burke state, “By offering opportunities for safe and open communication, circles help resolve conflict, strengthen relationships between participants, emphasize respect and understanding, and empower all parties involved.”

In a typical peacemaking circle a facilitator allows each of the parties involved to speak without interruption, thus fostering and emphasizing the crucial communication skills. Students are encouraged to learn, understand, and respect differences between each other and engage in role-playing and brainstorming to find solutions to their own problems. Confidentiality is required of all participants. In cases not limited to individual students, family and community members can be invited to participate with the permission of school administrators. In cases not of two individuals, mediation—either with a trained facilitator or peer mediator—is usually implemented.

In contrast to retributive programs, restorative justice emphasizes specific values, morals, and strategies that can build strong schools
and communities. Not only can restorative justice provide a non-punitive approach to dealing with issues of student behavior and discipline, but it also offers a chance to build an environment that focuses on learning. Unlike the quick-fix approach to disciplining students that involves suspension, expulsion, or legal involvement, restorative programs aim to find alternatives to these practices and educate students in a way that will prevent future crimes and harm to the school community as a whole.

LIMITATIONS

There are several problematic aspects of establishing restorative justice programs in schools. First of all, these particular programs are extremely time-consuming—there are multiple steps and variables involved. Furthermore, because restorative justice is such a new and different approach, programs may experience backlash and resistance from school and criminal justice critics (school superintendents, juvenile justice professionals, etc.) and from within the restorative justice community itself. Lastly, these programs often require mediators and training staff, which can cost more than many schools can afford.

School administrators tend to be concerned about the time involved in training facilitators, and about how long the process takes. In the past a student who committed a serious crime would face immediate suspension, expulsion, or even prosecution. Restorative programs, however, run on a much longer timeline. Because of the number of meetings and conferences involved in mediation, swift action is sacrificed in favor of community-wide debates and discussions.

The change from retributive to restorative approaches is a major departure from traditional institutional policies that policies permeate every stage of the sanctioning process. Superintendents and school officials often resist the change. As David Karp and Beau Breslin put it in "Restorative Justice in School Communities," (Youth and Society, 33, no. 2 (2001): 253):

They [restorative justice programs] either develop arbitrary policies that distinguish what kinds of offenses can be diverted to the restorative justice practices, coexist by having students proceed through both systems simultaneously, or seek to implement restorative practices after the punitive processes have done their work.

Unless clear standards for restorative justice programs can be established, they are vulnerable to fusion with retributive justice programs, which makes it harder to accomplish their goals. Even when restorative practices have been adopted and implemented, tension and suspicion may remain, increasing the risk that the restorative programs will not be fully implemented or used to their full potential.

AREAS FOR FURTHER IMPLEMENTATION

Currently, schools in the United States have a difficult time educating, supporting, and disciplining their students effectively, and the difficulty is increasing with little funding, a culture of fear and violence that is popular in America, conflicting priorities, and the expectation of high and competitive standardized testing scores. The many difficulties and responsibilities that students themselves face in society add to the problems above—teen parenthood, poverty, bullying, and the like. Although there may be some resistance and difficulty in implementing these programs across the United States, there are ways to move from retributive to restorative justice in the American educational system.

First, by implementing restorative philosophies and practices in classes from the first day of school, teachers set the standards, morals and principles that should be followed in the day to day lives of the students. The U.S. Department of Education, through Title IV of the Safe and Drug Free Schools program, has the ability to provide discretionary funds, fundraising opportunities, and partnerships with local social service agencies that can help schools begin to incorporate restoration into their curriculum.

Developing state and school policies that support restorative justice is crucial. Because it takes a lot more time for restorative programs to take root so initial investment and patience is necessary for the long-term benefits to take shape. By offering professional development opportunities in restorative justice philosophies and practices to all school staff members and working towards addressing problems at the grassroots level instead of waiting until they have escalated, restorative justice could quite possibly be the first step in dealing with a larger range of problems in American society.

Carol Schoenecker is currently finishing her second year of graduate school at Duquesne University where she is studying Peace Studies and Conflict Resolution. This is her first contribution to ACRResolution Magazine.

7th ACR
Spirituality Section
Retreat
NEW LOCATION
Institute of Noetic Sciences
Petulama, CA

Keynote Workshop Leader
Thomas Moore, author of Care of the Soul, Dark Nights of the Soul and The Re-Enchantment of Everyday Life.

This year’s retreat theme is all about the Care of YOUR Soul... making sure you have all the inner resources you need to continue to make a difference in the work you do and the life you live! Come early or stay late to enjoy the culinary delights of San Francisco or the enchanting vineyards of Sonoma.


$495, Section Members
$595, General

Optional Pre- and Post-Retreat Days

TO REGISTER: Visit mediate.com/acrspirituality