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Restorative Justice in Schools

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ABSTRACT

A zero tolerance approach to discipline has been around since the 1990s and utilized across the country in school districts. According to Teasley (2014), the zero tolerance approach to discipline in schools has had wide numerous adverse effects on student behaviors, and suggests that with this approach students are more likely to engage in future disciplinary problems. Recently, as efforts to enhance quality-learning environments are increasing, the zero tolerance approach has been scrutinized, and reform has been on the horizon. This reform involves a more subtle approach to discipline called restorative justice. Restorative justice is the complete opposite of a zero tolerance approach, also known as retributive justice. This composition will focus on the importance of overhauling this country's current zero tolerance approach to discipline that will reduce criminalization of children at an early childhood age.

Restorative justice is the tool needed to break the cycle of the schoolhouse to jailhouse pipeline theory. Adopting restorative justice in schools at an early age will empower all stakeholders with unique methods that get to the root of the issue, ultimately resulting in safer schools, improved school climates, less violence, and exposure to effective coping skills. Restorative justice is a great concept that has been proven effective, but it does come with its challenges. These challenges include understanding, funding constraints, stakeholder buy in, and academic demands around standardized testing. All these factors could hinder successful implementation of restorative justice in schools, but gaining valuable knowledge on how the benefits highly outweigh the burden could save many American children from the despair of criminalization.

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INTRODUCTION

Today's culture is based on a zero tolerance merit in society, homes, and schools. If one does a crime, he or she should pay the price is the belief, instead of focusing on why offenders continue to make bad choices. This is considered retributive justice vs. restorative justice. Unfortunately this is the same concept in many homes and schools across our nation. Many focus on the punishment rather the reason or cause for an action. The root of the problem is rarely addressed, which often leads to recidivism.

Traditionally, students who commit an offence in schools are disciplined using a zero tolerance policy also known as retributive justice. A zero tolerance approach can lead to the criminalization of students. The ripple effect then sends them on a spiraling road to prison. According to Wikipedia (2016), retributive justice consists of a concept similar to an "eye for an eye" or the "crime must fit the punishment" (para. 2). On the other hand, (Hopkins, 2003), an "innovative approach to offending and inappropriate behavior which puts repairing harm done to relationships and people over and above the need for assigning blame and dispensing punishment" is known as restorative justice (as cited in Fronius et al., 2016).

This paper will focus on the concept of restorative justice (RJ) in early childhood development. This concept originated in pre-modern native cultures of the South Pacific and Americas as they have a different approach to conflict and social ills (Fronius et al., 2016, p. 5). Restorative justice should start at an early age because it can disrupt the flow of the school house to prison pipeline. This concept will lower school violence, promote a safer school climate, lessen the criminalization of children, and most importantly teach valuable life coping skills such as communication, relationship

building, accountability, and empowerment for the future. This model is crucial for the future of America's children because under the current retributive model, these children are being robbed of their future. Implementing a restorative justice model into schools at an early age enables students to learn how to problem solve, communicate, and effectively uproot deep seeded issues preventing reoccurrence of offense. As a result, they are no longer robbed blind of their future.

POSITION

Restorative justice is a comprehensive approach to disciplinary action that is an alternative to the traditional zero tolerance approach. The term restorative justice embraces a movement to "institutionalize peaceful and non-punitive approaches for addressing harm, responding to violations of legal and human rights, and problem solving" (Fronius et al., 2016, p. 1). Introducing restorative justice in schools at an early age can directly change the path of a child's future. According to Facts for Life (n.d), children learn more quickly at an early age vs. any other time in their lives. The first five years of a child's life are considered crucial to learning and the foundation that configures one's future. In addition, early experiences have a direct impact on the brain's development, function throughout life, and social and emotional abilities (Facts for Life, n.d, para. 2-3). Implementing restorative justice as early as pre-kindergarten could possibly change the future of America.

Restorative justice focuses on the problem as it empowers youth to take responsibility early on. Violence in schools is on the rise, but implementing programs that take a different approach to discipline can reduce this rising epidemic. Brodsky (2016) found "at least 65% of public schools recorded at least one violent incident in the

2013-14 academic years” (para. 15). Restorative circle, problem solving, and building empathy are just a few traits of restorative justice that have proven to decrease the number of days lost due to suspension in many school districts worldwide (Brodsky, 2016, para. 18).

The restorative circle is a concept where discussion is encouraged between stakeholders. This could include the offender, the victim, mediator, parents, teachers, or anyone who may be affected. This idea is to promote empathy from the offender toward the victim in hopes of preventing future acts. Problem solving would include a discussion that helps all stakeholders get to the root of the issue that caused the disruptive behavior. Problem solving also encourages effective communication between all parties that allows for acceptance of a more constructive consequences.

As more and more schools adopt this system, the culture of schools will change as the mindset of students, teachers, and parents change. This will result in less violence and a safer environment. This technique will not only affect the safety of our schools, but it will also have an impact on how children problem solve at home and in the community. This will teach them to identify with others and again enable them to make better choices. The implementation of restorative justice will increase the number of students who are in school vs. retributive approach which removes the students and forces them to be excluded from the student population. This exclusion can cause a tremendous effect on the behavior of the student for the worse.

The zeal for zero tolerance and saturation of resource police officers in schools has also led to an increase of criminalization of students. School policies have dictated how students are disciplined and the existent of their punishment. There are many

factors that play a huge roll in the discipline of children on school campuses. Race, economic status, and education all play a role in this criminalization. According to Children's Defense Fund (n.d.), 54,000 children are incarcerated in youth prisons, and of those, 68% of the make-up are children of color. These youth are being deprived of their futures, and our country is being depleted of dynamic human resources.

Capitalizing on models in schools such as restorative justice can play a major role in diminishing these statistics. Detention and incarceration can be reduced by increasing investment in prevention. This can be achieved by early intervention versus punishment (Children's Defense Fund, n.d, para. 2). Inclusions are also a positive attribute to a safe school culture. By keeping students on campus and letting them take ownership of their actions, this promotes a healthy learning environment. As students develop healthy coping skills, the school's climate is sure to change. According to The International Institute for Restorative Practices (2014), many studies across the country reflect and justify the effectiveness of RJ in the school climate. Furthermore, these studies have established that RJ has improved teacher student relationships in the classroom and reductions in misbehavior and punitive discipline. Improvement in these areas will address a nationwide concern in schools, decreasing the racial-discipline gap (International Institute for Restorative Practices, 2014, p. 1).

It is imperative that all educators and resource police officers fully understand the importance of restorative justice (RJ). According to Fronius et al. (2016), educators across United States are hungry for and pursuing an alternative to exclusionary punitive actions. One local educator fully understands the effects of practicing RJ. An administrator mentioned, "It is what I practice and I have seen a vast improvement in

redirection of decisions” (V. Cleere, personal communication, January 16, 2017).

Cleere goes on to state, “My job is before issuing a consequence to find out the core reason causing them to behave in an undesired way, treat it, get teachers on board then move on.” Another local educator feels RJ teaches kids coping skills for the future, stating “I have implemented RJ because this teaches my students how to problem solve with hopes of preventing future acts” (C. Irwin, personal communication, January 15, 2017).

RJ is being implemented across school districts by individual educators as they see the importance of getting to the root of the problem. Restorative justice is not only important for children in schools, but it can have a huge impact on parents in the community. Most parents act on a zero tolerance system as they have been taught. One parent’s perspective is simple: “I believe if restorative justice would have been implemented early on in my son’s life he would not be in jail today” (T. Williams, personal communication January 14, 2017). Introduction of restorative justice at an early age will lead to quality early childhood development. This will last a lifetime ultimately resulting in a reduction of criminalization of an already vulnerable population. These children would have the privilege of learning how to cope with their mistakes at an early age which will empower them to make good decisions for the future through accountability. This in turn should directly impact violence, safety, and the culture of the schools in a positive manner.

COUNTER POSITION

Despite the remarkable and positive attributes of introducing RJ at an early age in the schools, it still has its constraints. Some of those constraints include funding and

sustainability, staffing, stakeholder buy-in, and rising academic demands. As with any new program or pilot, it takes funding. Funding is typically the number one reason for any new system to become imminent. The lack of funding for proper training will indirectly affect staffing and stakeholder buy in. Limited resources due to the lack of funding could be another obstacle. Stakeholders include students, parents, teachers, law enforcement, administration, and the community. Stakeholders will not feel a sense of urgency if there is a lack of resources. Although there are grants available, they are often limited due to other pressing issues that cause the focus to shift to academic demands.

As more and more pressure is placed on educators to teach curriculum based on standardized testing, they feel introducing something new such as RJ could take a toll on the longevity of teachers (R. Johnson, personal communication, January 16, 2017). Regardless of the limitations that come along with funding a new program, it is not impossible. It is a major time consuming task. According to Fronius et al. (2016), significant time and resources are required to build an effective RJ program in a school district.

Sustainability is often another issue that new programs or pilots face. Sustainability is imperative for RJ in school districts to work. RJ must be integrated into school districts rather than be considered an add-on program. According to a multi-organizational report on restorative practices, “a critical driver to long term sustainability is a districts ability to integrate the RJ approach into formal policies and procedures” (“Restorative Practices: Fostering,” 2014, p.12).

Staffing is another limitation to consider. New programs often require hiring of new staff for development, training, transition and implementation. Most school districts work according to a set budget and do not often budget for such an undertaking and implementation of a new program as large as RJ. The success of such a program's buy-in from all stakeholders is imperative, but not everyone is sold on the idea of RJ. R. Johnson (2017) declared she has little knowledge related to the concept of RJ. She went on to state that she did not think it would work with those who are repeat offenders and only with first time offenders. She went on to admit her lack of knowledge is evidence that all stakeholders would need extensive training for a successful and sustainable RJ program to work in her school district and they just do not have time for it with all the other demands placed on them (R. Johnson, personal communication, January 16, 2017).

Most educators are faced with the rising pressure to teach toward a standardized test. Placing a new concept of discipline on educators amongst this growing pressure does not allow for them to have full buy-in. Too often, educators look for the band aid effect rather than getting to the root of the issue and tend to take the path of least resistance when it comes to discipline. Taking on an approach of RJ would take time and investment from the administrators, educators, and parents. According to Sperry (2015), some educators feel that RJ is too liberal when it comes to discipline. They get the sense that this approach permits kids to control the class room rather than make sound decisions. Racial disparity and decreased criminalization has been proven to be effective with successful implementation of RJ in some school systems; however, some educators have voiced fear that this is also being used as a crutch to repetitive habits.

Sperry (2015) stated 65% of Santa Ana educators expressed that a lax discipline system such as RJ is not working. Because of the recent mandate for positive interventions, many educators feel problems have been exacerbated causing them to file hostile- work environment complaints. Sperry (2015) goes on to state that these issues range from increased smoking pot in the restroom, spitting on teachers, threats, and throwing eggs. It is suggested that all this violence is directly related to policies such as RJ where taking circles has replaced suspensions.

Stakeholders strongly influence the success of program implementation in any setting. With increased violence reported post RJ implementation, educators express that students feel they cannot be removed from a classroom due to their new liberation, and this simply pushes educators away from wanting to adopt this RJ (Sperry, 2015). In retrospect, although some stakeholders believe late age offenders find RJ as a crutch to intimidate educators, those same educators believe that introducing RJ at an early age to first time offenders can be effective. Early planning, early development, early implementation, redistribution of funds, and seeking grants are all ways to avoid the counter effects of a more liberal disciplinary system in the school systems such as RJ. Stakeholder buy in may be the hardest hurdle to overcome, but with these recommendations even they too could have a change of heart to help with sustainability of this new system (Fronius et al., 2016, p. 12).

RECOMMENDATION

Restorative justice is a concept that is not foreign to law enforcement or educators. According to Wikipedia (2017), in 1990 Henry Zehr's published book *Changing Lenses- A New Focus for Crime and Justice* was ground breaking for

introducing the restorative justice theory. Schools typically have a zero tolerance discipline system which is much different from a restorative approach. A restorative justice approach allows stakeholders to redirect how they approach a student who has committed some type of offensive behavior. This approach has been piloted but has not fully been adopted by school districts nationwide. RJ has been the center of discipline reform in the classroom. According to local educators, there is a 50/50 split on if this approach actually can be effective in the classroom. One educator claims this is the only approach used by her, but it is not fully adopted by her school (V. Cleere, personal communication, January 16, 2017). She claims that her counseling background opened her eyes to this reformatory approach and she has seen success by focusing on the root of the problem versus the offense and consequence (V. Cleere, personal communication, January 16, 2017). Another educator conveyed that she does not feel like RJ is appropriate for in all settings (S. Day, personal communication, January 16, 2017). She claimed that it will simply not be effective in a repeat offender, and it has to be applied early on with new offenses to be effective. Both of these early childhood educators know the importance of introduction concepts to a young brain. Facts for Life (n.d) proclaims that children absorb more quickly at an early age as compared to any other time in their lives.

The first five years of a child's life is considered crucial to learning and acts as the foundation for their future. This is why it is imperative to act now on how children are disciplined in the classroom. Restorative justice at an early age can reshape the future of America. If RJ is introduced as early as pre-kindergarten, all stakeholders may reap the benefits. These benefits include lessening the criminalization for children, valuable

coping skills, safer school climates, and decreased violence. These benefits outlined will have a huge impact of the future of education and youth today.

As expressed, RJ has a positive impact on the future of children, but it also has some shortcomings. Shortcomings include funding constraints, staffing, stakeholder buy in, and rising academic demands. Although many educators agree that RJ is the wave of the future, there are some educators who disagree. Some educators express increased violence in the classroom as students have grown senses of entitlement. In some areas of the country, RJ has already been mandated and educators feel it has been a recipe for disaster. Sperry (2015) interviewed educators from Santa Ana who are in the midst of disciplinary reform and they have experienced increased disobedience with escalated emancipation and no consequences.

A rebuttal to RJ in the schools has clearly provided the children as early as fourth grade a license to commit an offense with little repercussion. Removing the retributive approach has surely decreased suspensions, but increased violence towards teachers. As instances like this are being reported across school districts, this is sure to put a damper on any upcoming disciplinary reform. Educators in Syracuse believe that as RJ may be “praiseworthy”: it has fashioned a “systemic inability to administer and enforce consistent consequences for violent and highly disruptive student behaviors” that “put students and staff at risk and make quality instruction impossible” (Ahern, 2014, para. 1). RJ is best if introduced at an early age to reshape the way schools handle discipline and decrease criminalization of children. This is important to stop the school house to jail house pipeline theory by holding all stakeholders accountable for their actions. As stated, schools that have already revised how they approach discipline

have struggled with effectively implementing RJ, but this does not have to be the case. According to Fronius et al. (2016), through training, commitment, and reinforcement the benefits of implementing RJ has proven to successful.

RJ is a tool that can be used in schools with teaching and learning strategies to help prevent and address disruptive behavior before it escalates. RJ has elements that help victims and offenders deal with conflict and misbehavior after an offense occurs. Proper training will help all stakeholders by impacting their knowledge and forcing them to be innovative with their thoughts as they are empowered thru accountability. Currently, many schools rely on punitive sanctions that are influenced by racial disparity. The result is increased criminalization of students instead of teaching them how to problem solve, take responsibility, have empathy, and obtain vital social skills.

There are many definitions and fundamentals of RJ, and it cannot be a “one size fits all” to crimes. RJ continues to evolve and take on new forms as stakeholders, such as governments and communities, implement more RJ principles in a manner that is tailored to most effectively meet the needs of the victim. Proper implementation would involve appropriate buy in from all stakeholders with funding from grants and reapportion of funds. Additionally, developing a strategy with a purpose, a plan, and goals will secure proper implementation. Furthermore RJ, as illuminated throughout this arrangement is most effective and should be introduced in the early development stages of education in schools to be most effective (United Nations Office of Drugs and Crime, 2006, p. 95)

When looking at the many arguments against RJ in schools, this author conducted an interview with a school administrator to get her feedback on some

suggestions for schools to get passed these barriers. The administrator stated, “When looking at budget constraints, districts might need to look at ways to redistribute funds to make discipline a priority on campus” (C. Irwin, personal communication, July 23, 2017). She goes on to mention, “if schools can work to get discipline issues under control, the academic areas will fall into place.” In trying to get buy in from staff for RJ, “administrators should do their best to include all stakeholders in important decision making meetings” (C. Irwin, personal communication, July 23, 2017). This will serve as a way to ensure all voices and concerns are heard before decisions are made in reference to RJ in the school system. There will always be opponents of RJ in schools, but it is the duty of police officers and educators to do their best to reach students and their families. When institutions work to establish a relationship, they show students they care about them. When students come to realize this, they will behave in acceptable ways. This is what restorative justice encompasses.

REFERENCES

- Ahern, K. (2014, April 8). Syracuse Teachers' Union: 'Restorative justice' is fine, but what about immediate safety? (Your letters). *The Post-Standard*. Retrieved from http://www.syracuse.com/opinion/index.ssf/2014/04/syracuse_teachers_union_restorative_justice_is_fine_but_what_about_immediate_saf.html
- Brodsky, S. (2016). *Is discipline reform really helping decrease school violence?* Retrieved from <http://www.theatlantic.com/education/archive/2016/06/school-violence-restorative-justice/488945/>
- Children's Defense Fund. (n.d.). Stop the criminalization of children. Retrieved from <http://www.childrensdefense.org/policy/policy-priorities-overviews/StopChildCriminalization.html>
- Facts for Life. (n.d). *Child development and early learning*. Retrieved from <http://www.factsforlifeglobal.org/03/>
- Fronius, T., Persson, H., Guckenburg, S., Hurley, N., & Petrosino, A. (2016). Restorative justice in U.S. schools: A research review. *Justice and Prevention Research Center*. Retrieved from http://jprc.wested.org/wp-content/uploads/2016/02/RJ_Literature-Review_20160217.pdf
- International Institute for Restorative Practices. (2014). *Improving school climate* [Report]. Retrieved from <https://www.iirp.edu/pdf/ImprovingSchoolClimate.pdf>
- Restorative justice. (2017). In *Wikipedia*. Retrieved January 16, 2017, from https://en.wikipedia.org/wiki/Restorative_justice

- Restorative practices: Fostering healthy relationships and promoting positive discipline in schools. (2014). Retrieved from <http://schottfoundation.org/sites/default/files/restorative-practices-guide.pdf>
- Retributive justice. (2016). In *Wikipedia*. Retrieved January 15, 2017, from https://en.wikipedia.org/wiki/Retributive_justice
- Sperry, P. (2015). How liberal discipline policies are making schools less safe. *New York Post*. Retrieved from <http://nypost.com/2015/03/14/politicians-are-making-schools-less-safe-and-ruining-education-for-everyone/>
- Teasley, M. L. (2014). Shifting from zero tolerance to restorative justice in schools [Editorial]. *National Association of Social Worker*, 36(3), 131-133. <http://dx.doi.org/10.1093/cs/cdu016>
- United Nations Office on Drugs and Crime. (2006). *Handbook on restorative justice programmes*. Retrieved from https://www.unodc.org/pdf/criminal_justice/06-56290_Ebook.pdf