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Humboldt State University  
1 Harpst Street  
Arcata, CA 95521  
(707) 826-3400  
www.humboldt.edu/ccrp

## Remedies, Not Punishment: Restorative Practices In The Schools

*by Melissa Jones, Esq., Health Policy Analyst*

Repairing harm, rather than punishing violators of law, is the focus of the justice theory that has become known as restorative justice. The goal is to remedy the damage or injury to the victim—via apology, community service or restitution—instead of punishing the offender.

Use of restorative justice and restorative practices have been employed with success in the school system as a way to address rule violations and prevent disciplinary problems. They have been effective in reducing violence and disobedience while increasing respect and productivity in the classroom—especially in more close-knit rural areas.

Restorative practices allow the school to maintain and build bonds inside and outside of school gates.<sup>1</sup> When children are taught about how their actions affect others, they may form social ties to their peers and others in the community. Restorative practices are closely related to Native American peacemaking circles, and can be an effective way to connect with Native communities as well.

In restorative justice, importance is placed on the harm done to the victim and the repair of that harm, which

### Benefits of Restorative Practices



- Increased attendance
- Increased respect among teachers & students
- Reduced violence and disobedience

is defined not just as a violation of the law but as damage to social relationships.<sup>2</sup> As an alternative to punishment, it relies on people working “with” one another<sup>3</sup> so that offenders are less likely to commit future crimes and more likely to comply with restitution

requirements.<sup>2</sup> Most programs use these core tactics: create open dialogue between interested parties, build relationships broken by the harm committed and share moral values of the proper behavior.<sup>2</sup>

For example, a conference may be called when a crime has a clear victim and all parties voluntarily consent. The victim, his or her family/friends, the offender and his or her family/friends are led by a trained facilitator who allows everyone to speak: the victim about the harm, family/friends about effects seen in the victim, the offender about motivations or feelings experienced afterward and the offender’s family/friends about their observations.

Through open communication, the facilitator works to build or repair the social relationship between the victim

and the offender. If restitution can be made, a plan is created and an agreement drafted. Some crimes, such as sexual assault and domestic violence, may not be suitable for restorative justice.

### Restorative Justice in the Schools

Such methods have been successfully used in the school context, initially in Australia, New Zealand and England but also in schools—including some rural ones—in Minnesota, Illinois, Pennsylvania, Colorado, Arizona and California. Positive benefits have been derived from such tools as peacemaking circles or mediation in institutions ranging from preschools to high schools, as well as special education classrooms, schools categorized as “persistently dangerous” and schools for at-risk youth.

Moreover, restorative practices do not have to be reactive or used only when a rule or code of conduct is violated. They can be used proactively to help form relationships and create social capital school-wide through classroom discussions on conduct, the ramifications of violating codes, other issues of concern and future plans.<sup>3,4,5</sup> Its practices have been used to facilitate and improve participation in parent-teacher conferences, and broadened to include a role for the student as well.<sup>6</sup>

Common methods of using the practice include peacemaking circles, mediation or conferencing and/or use of restorative questions.<sup>4,7</sup>

- Circles can employ a facilitator who will bring together all interested parties, which can include family and community members or just the class or selected individuals. Everyone discusses their feelings

in an open manner, and solutions or reparations are agreed upon.<sup>4</sup>

- Mediation and conferencing brings together the offender, victim and other interested parties to resolve a particular harm.<sup>4</sup> Feelings are openly shared and an agreement for reparation is reached.

- Restorative questions, which require students to reflect more intimately on their actions, can include: “What were you thinking about at the time? Who did you affect by your actions, and how? What do you need to do to make things right?”<sup>5</sup> These can be asked used in a circle, mediation or conference but can also be asked more privately, where students provide the answer in a journal.

Instead of preventing the offending student from participating in class through detention, suspension or expulsion, restorative justice can allow students to learn from their actions and remain in class.<sup>8</sup>

With restorative justice, children are shown the consequences of their actions and how they can change to create more positive and healthy relationships.

Support for these ideas has come federally and through several states. The Restorative Justice in Schools Act of 2009 (HR 4286) would amend Title II of the Elementary and Secondary Education Act of 1965 to give local educational sub-grants to train school personnel in restorative justice and conflict resolution.<sup>9</sup> Several states have recent legislation that addresses restorative justice in schools.

- Pennsylvania has two bills that would give grants towards restorative justice strategies and violence prevention curricula.<sup>10,11</sup>

### Restorative Justice in Action

Two groups of boys and their parents met in a restorative conference. The boys had been fighting, and the disputes were mostly racially based, with slurs and offensive language from both sides. Parents—without the children present—first discussed how their children’s behavior could have been prevented by them, and the impact on them of the fighting.

Once the boys were brought into the conference, the parents shared their experiences and the boys were allowed to speak. By showing the boys the effects on their parents, they understood the repercussions beyond themselves. Fights between the boys decreased and they resolved most of their issues without intervention.

What’s more, some parents were able to recognize how their own behavior influenced their sons, and how to treat one another better in the greater community—beyond the family and school system.<sup>18</sup>

- Indiana is establishing a law enforcement, school policing and youth work group to study and recommend restorative justice practices to the department of education and for school employees.<sup>12</sup>
- Louisiana passed two bills that would integrate restorative justice into future charter schools and require restorative justice components in public schools' master plans for management training.<sup>13,14</sup>

### Excellent Outcomes

Internationally and nationally, the results of employing restorative practice in schools have been largely positive. When applied in schools, restorative practice “emphasizes the values of empathy, respect, honesty, acceptance, responsibility, and accountability.”<sup>4</sup>

These principles can promote a less violent and more involved community. In particular, restorative justice allows an offender to be truly accountable, and its focus on building relationships can help maintain a safe community. Participants have observed the creation of strong relationships with others, reductions in disruptive behavior and greater learning and development.<sup>5,15</sup> In one school, a circle was used to address a child's chronic truancy. Since the circle occurred, the child has regularly attended school for the past two years.



Pilot schools saw decreased numbers of disciplinary referrals, detentions, incidents of disruptive behavior and suspensions—as well as the development of mutual respect among students and between students and teachers.<sup>5,16</sup> Teachers are also more connected with one another, helping to create a more positive school climate. One school has used surveys to measure the improvement of school climate.

When restorative practices are used proactively, classrooms have been found to be more productive learning environments.<sup>3</sup> Students are more engaged in the classroom and invested in their school community.<sup>5</sup> One observer noted that 10 years after circles were first used in a rural high school, more of the children who attended the school then stayed within the community.

Some pilot schools were not able to continue due to lack of funding, and so it is vital that any program be considered in the long term. Advocates say the program should be made self-sustaining to be imple-

mented for multiple years. Additionally, it's important that ongoing support is provided for teachers and others using restorative justice or practice.

In Australia, for example, studies found that implementing restorative justice programs was difficult if a paradigm shift did not also take place. Individual programs are less effective or will run into conflict if the system does not undergo a complete re-framing in the approach to discipline.<sup>17</sup> In order for restorative justice to be effective, both teachers and administrators must be willing to take part when appropriate. Some programs have gradually introduced restorative justice practices, addressing target populations or only using the practices proactively in the beginning as a way to ensure success.<sup>4,5</sup>

Schools generally determine what situations are appropriate for restorative practices as an alternative to punitive measures. Some schools may even use restorative practices in conjunction with punitive measures. One advocate stated whether or not they use restorative justice depends on the parties and if it would be useful. In some instances, the child may still end up with a suspension (perhaps with a number of days reduced), or in severe cases may still “walk away in handcuffs.” Typically, each child's situation is assessed on a case by case basis. Above all, the school must maintain a safe environment in which parties enter the process voluntarily and meaningfully contribute.

### Conclusion

Restorative practices can be integrated into virtually any school system to reduce violence, create a more respectful environment and bind youth to the broader community. Students can become better citizens and more productive adults by reaching them early, teaching them how to respect those around them and helping them understand the consequences of their actions.

Evidence supports restorative practices, and schools that have implemented it have been successful in creating more healthy communities. Rural schools have also been able to implement the practices with little adaptation, and their small size may make them ideal locations for their application.

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## About the Author

Melissa R. Jones, Esq. is the Health Policy Analyst at the California Center for Rural Policy, Humboldt State University. She completed her bachelor’s degree in Sociology from Sonoma State University, and her Juris Doctorate from Lewis and Clark Law School in Portland, Oregon. While at Lewis and Clark, she focused on health care and policy issues from a legal standpoint. In addition to her JD, she obtained a certificate in Public Interest Law. She is a member of the California State Bar.