



# Equity Dispatch

## Restorative Justice: Reframing School Disciplinary Thinking and Practices



### IMPACT: Educate, Engage, Empower--For Equity

In relationships we are broken and in relationships we are healed.

--Judge Ed Watson, Rondo to Rwanda

### Educate

*"...I only have three options: college, jail or the army. It's true, you can ask anyone. These are our only options. You would be surprised by how many kids would say the same. This school is nasty like that."*

This is what a seventeen-year-old Black student told his teacher when he was asked to explain his thoughts about his writing on "what I would say if I become valedictorian" (Voulgarides, 2013). Many Black teenagers share the fear that their education might end with them behind bars (Solomon & Palmer, 2006). Going from school to prison is increasingly becoming a reality for scores of Black males as one out of four Black male students are expelled from school (U.S. Department of Education, 2006), and many are referred to the juvenile justice system (Krezmien, Leone, Zablocki, & Well, 2010). For instance, Black students represent 12.3% of the general Indiana youth population, and the percentage of Hispanic students is around 10% (Indiana Department of Education, 2012); however, Black and Hispanic students represent 34.7% and 8.9%, respectively, of the total population of juvenile facilities (Indiana Department of

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### Equity Spotlight



Nancy Riestenberg, School Climate Specialist at Minnesota Department of

Correction Fact Card, 2012). These staggering outcomes should prompt us to critically evaluate our educational systems. What are the primary factors contributing to the school-to-prison pipeline for Black students and other students of color? What can we do to disrupt this trend?

### **A Pathway from School to Prison: Academic and Social Segregation**

Among all the students of color who are overrepresented on the so-called “school-to-prison pipeline,” including Black, Hispanic, and Native American students, Black students experience higher ratios of disproportionality. Therefore, we focus here on this population to illustrate current trends as they apply to traditionally marginalized students. The negative outcomes Black youth experience have historical legacies. Racial segregation and discrimination were enforced by law for several decades, limiting Black students’ opportunities to access high-quality education (Ladson-Billings & Tate, 1995). Black students were physically segregated from white students, and racism deeply permeated school policies and practices. Even though de jure racial segregation has been outlawed, institutional racism is still embedded in our educational system and negatively affects students of color, as well as students with disabilities and additionally ‘othered’ populations (Borrero et al., 2012; Orfield & Lee, 2006; Rocque & Paternoster, 2011). Racial segregation has morphed into academic and behavioral segregation whereby students of color experience disproportionate and systemic tracking into basic coursework (Tyson, 2011), as well as exclusion from regular school settings (Wallace et al. 2008). According to Hayes (2007), Black students make up 13.7 percent of the overall student population, but only comprise 6.9 percent membership in AP classes. Academic rigor has been linked directly to school dropout rates, with schools offering primarily academic courses and fewer nonacademic courses demonstrating lower dropout rates (Lee & Burkam, 2003). Additionally, in many instances, disruptive behavior patterns can be traced directly to lack of access to stimulating, rigorous curricula and instruction, as well as barriers to full participation in all aspects of schooling (Noguera, 2003; Smith, 2009). Howard (2013) argues that low expectations result in a self-fulfilling prophecy; i.e., when students of color receive messages that they are unintelligent and “problem students,” they eventually believe the messages and fulfill those expectations. Ultimately, Black students suffer the consequences emanating from structures that limit opportunities to learn when they are in attendance at school, as well as policies and practices that sanction exclusionary practices, placing students in peril during the school day.

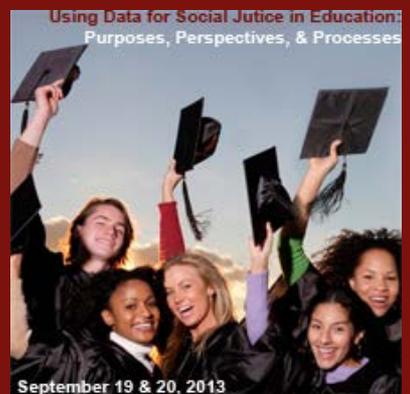
### **A Pathway from School to Prison: Zero Tolerance Policies and Practices**

An inordinate focus on controlling students’ behavior instead of attending to structural schooling components such as providing opportunities for access, participation and rigor for all students has led to implementation of zero-tolerance policies, which have led to blanket consequences executed with impunity. Students incur punishment regardless of intent or severity—incidents involving accidental mistakes (e.g. bringing a knife as a lunch utensil) or extenuating circumstances (e.g. bringing mace for protection) are often

Education, has been a strong advocate for restorative practices in Minnesota schools. She currently provides technical assistance on violence and bullying prevention, school connectedness, dropout prevention, and restorative measures through a lens of cultural relevance. Prior to her work at Minnesota Department of Education, Nancy worked for twelve years with the Illusion Theater’s Sexual Abuse Prevention Program, which employed theater as a vehicle to teach students about sexual abuse, domestic violence, and HIV/AIDS.

One of Nancy’s primary concerns is creating spaces for reflection and learning. With her support, school districts in Minnesota are implementing a variety of new practices, including family conferences, circles of understanding, and restorative group conferencing. While the full impact of these practices is sometimes difficult to capture, Nancy has seen improvements in stakeholder satisfaction with schooling, school climate, and discipline incident rates.

Nancy has also been involved in the creation of several tools and resources that may be of interest to school practitioners. Among these is a train-the-trainer curriculum published by the National Institute of Corrections’, [Facilitating Restorative Group Conferences](#). We commend Nancy for her past, present, and future work to ensure that schools benefit all students through preventative and restorative discipline.



## **Upcoming Events**

levied severe consequences such as long term suspensions and expulsions from school (Dem, 2009; Krezmien et al., 2010). Strict adherence to zero-tolerance discipline policies without consideration of contextual factors and circumstances contributing to unwanted behavior in schools have resulted in a pervasive phenomenon known as 'push-out' of large numbers of school-aged youth (Orfield et al. 2004), as well as use of security technology, security personnel, profiling, and increased referrals to the juvenile justice system (Skiba et al., 2006). The school to prison pipeline presents a real and present danger to Black students, and to a lesser degree, Latina(o) students. Primary among numerous questions that arise in examining increasingly strict discipline policies is, "Are zero-tolerance policies helpful in remediating the original problem that led to disruptive behaviors?"

Recent data lay claim to the notion that Black students and students of color are subject to harsher punishment for similar offenses (Welch and Payne, 2010). As Wallace, Goodkind, Wallace and Bachman (2008) point out, during the last 20 years students of color are two to five times more likely to be suspended or expelled. Most of the behaviors that lead them to suspensions are subjective and nonviolent offenses, such as disrespect and excessive noise (Gregory, Skiba, & Noguera, 2010). Moreover, news about young students of color being handcuffed and removed from school for tantrums or other non-criminal behaviors are no longer rare (Flatow, 2013; Manoucheri, 2012; NYCLU, 2008).

### **A Gateway to Positive Schooling Lived Experiences: Restorative and Transformative Policies and Practices**

How can we think differently about students' 'problematic behavior'? How do we help students when their behaviors cause harm to others and jeopardize relationships? What can we do—at both policy and practice levels—to enhance students' well-being and provide positive and equitable educational environments? Within the context of Positive Behavior Interventions and Support (PBIS) and multi-tiered systems of support, restorative justice appears to be an alternative approach that can promote students' social, emotional, and physical well-being at a tertiary level (Skiba et al., 2006), and provide proactive and positive interactions (Khadaroo, 2013). There are three main goals of restorative justice (Ashley & Burke, 2009, p. 6):

- Accountability. Restorative justice strategies provide opportunities for wrongdoers to be accountable to those they have harmed, and enable them to repair the harm they caused to the extent possible.
- Community safety. Restorative justice recognizes the need to keep the community safe through strategies that build relationships and empower the community to take responsibility for the well-being of its members.
- Competency development. Restorative justice seeks to increase the pro-social skills of those who have harmed others, address underlying factors that lead youth to engage in delinquent behavior, and build on the strengths of each young person.

To be specific, in a school environment, teachers can help students through talking circles to explain what they have done, how they feel, and what they can do to heal the damaged relationship. A talking circle provides a safe place for all stakeholders to share their voice and provide empathy

### **Illinois**

Nov. 13-15

[Illinois Education & Technology Conference \(IETC\)](#)  
Springfield, IL

### **Indiana**

Nov. 19-20

[School Safety Specialist Academy Basic Training](#)  
Indianapolis, IN

### **Michigan**

May 15-17, 2014

[31st Annual Michigan Home Education Conference](#)  
Lansing, MI

### **Minnesota**

Oct. 17-18

[Education Minnesota Professional Conference](#)  
St. Paul, MN

Nov. 20-23

[2013 CIEE Annual Conference](#)  
Minneapolis, MN

### **Ohio**

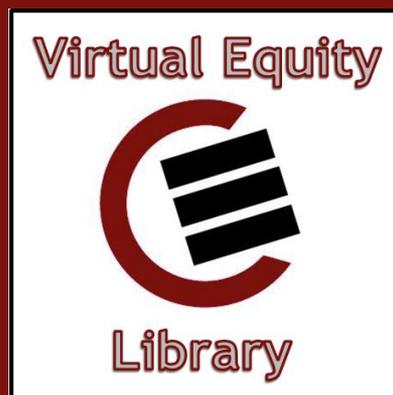
Oct. 28-29

[2013 Annual Statewide Education Conference](#)  
Columbus, OH

### **Wisconsin**

Nov. 7-10

[Widening the Circle. Act 31: Education Symposium](#)  
La Crosse, WI



and understanding for each other. On one hand, it provides a chance for students to make up for their misconduct. On the other hand, it repairs the harm caused to the individuals or the group. Most importantly, restorative justice shifts the school culture of discipline “from punitive to preventive, from exclusion to inclusion” (Khadaroo, 2013, p. 1). An underlying tenet of restorative justice is that the dignity, hopefulness, and security that has been stripped from students through punitive acts can be restored and result in more positive schooling outcomes for students of color.

The Oakland Unified School District (OUSD) reports huge successes in implementing principles of restorative justice to reduce disparate disciplinary practices toward students of color. Students in the district feel comfortable coming to the restorative justice coordinator when they have trouble. Tyrell Kirk, a Black student said, “On my bad days, the best way to turn it good is to walk up in here first. He’ll either try to work it out to the point that I get an understanding, or he’ll try to make me laugh till I forget about it” (Khadaroo, 2013, p4).

Restorative justice can become transformative by focusing not only on individual relationships, but also the social, structural and institutional policy levels (Zehr, 2011). In this way, school leaders acknowledge that individual misconduct does not occur in a vacuum; it is situated within a social context that should be examined more deeply for root causes. In other words, a student’s disruption of class should prompt not only examination of any harm caused by that student’s behavior, but also inquiry into the very idea of disruption and the norms and patterns in classrooms that might precipitate these behaviors. In transformative approaches, then, we might ask:

- What social circumstances promoted the harmful behavior?
- What structural similarities exist between this incident and others like it?
- What measures could prevent future occurrences? (Zehr, 2011)

Restorative justice that is transformative as well requires the attachment and collective effort of teachers, parents, and communities to change school dynamics (Prison Culture, 2012). For instance, in a culturally responsive teaching environment, teachers need to understand students’ behaviors through a cultural lens. Teachers should balance the line between understanding and responding to students’ disruptive behaviors and meeting their social/emotional needs. Families and communities can serve as a cultural broker to build understanding between school and students’ cultural environment, and at the same time encourage students’ positive behaviors in the environment outside of school. School communities can provide safe and just learning environments, by creating policies and implementing practices and procedures that ensure that all students receive the equitable opportunities to repair relationships and build interpersonal and intrapersonal skills as part of a culturally balanced approach to teaching and learning.

### **A Gateway to Positive Post-School Lived Experiences: Restorative and Transformative Policies and Practices**

Moreover, restorative justice that is transformative in nature promotes overall, lifelong well-being for students. Students’



competence in dealing with conflict and building relationships should be extended when they get out of school. The strategies and resilience they gained from restorative justice need to be applied in other areas in their lives as well. Restorative justice that is transformative can therefore serve as a new approach for schools to help reduce disproportionate suspension and expulsion rates, break the school-to-prison pipeline, increase school completion rates, and enable all students to hold a positive vision for their futures.

Have a question or comment about this article? [Share it here!](#)

## Engage



Chicago Area Project (CAP) is a community based non-profit organization that is located in the Chicago metropolitan area and has been in existence for more than 75 years. They started to implement restorative justice in their framework since the passing of the Illinois Juvenile Court Act 1998. They have conducted restorative peer juvenile training in partnership with the Cook County Restorative Justice Collective (CCRJC) for more than 25 Chicago Public Schools, and have also conducted workshops for improving communication skills for Alternative Schools and CPS Parent Trainings.

The restorative justice program in CAP seeks to engage victims, offenders and their families; as well as other citizens in effective responses that prevent juvenile delinquency. Their approach to restorative justice interventions in schools does not seek to deny consequences for misbehavior, but rather focus on helping students recognize effects of wrong actions, and take responsibility for the same. CAP works at getting students to commit to positive change in behavior. The interventions are conducted collaboratively, as youth receive support from their family members and community members.

CAP's goal and framework echo with our pursuit for promoting restorative justice that is transformative in education. Recently, CAP has been recognized by the Cook County State's Attorney's office for their "outstanding leadership in fostering peer juries and peace programs for youth." (State's Attorney's office website). We would like to applaud the Chicago Area Project for their hard work on creating a collaborative and positive environment for youth through a restorative justice approach.

**We are proud of the good work being done by CAP and are pleased to feature them in our newsletter. The**

# Empower

## Something to Watch!

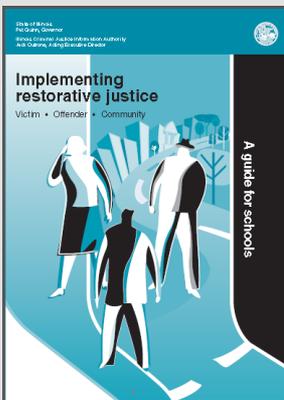


Restorative Justice In Schools

### Restorative Justice in Schools

There are a number of schools that are involved in restorative justice programs. The MetWest High School, an Oakland public school in California has a successful restorative justice program. In this school suspension and expulsion rates have been reduced by 30%. In this video restorative justice coordinators in the school share a case where students resolve personal conflict and relationships are restored through the restorative justice program. Click [here](#) to watch the video.

## Something to Read!



This guide was developed by the Illinois Criminal Justice Information Authority. The publication is part of a series of guides that are intended to provide some guidance in statewide implementation of restorative justice. It could be used when working with young offenders, their victims, and the communities where they live.

Within this guide are some specific and practical strategies that can be applied to restorative justice programs. The goals of this guide include: introducing school personnel to concepts of restorative justice and restorative discipline, provision of tools that could reduce the involvement of the juvenile system in restorative discipline, and some guidelines on ways to prevent conflict and restore relationships by enhancing school environments.



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