Center for
Restorative Justice & Peacemaking

An International Resource Center in Support of Restorative Justice Dialogue, Research and Training

Restorative Justice Practices and Principles in Schools
By Toran Hansen, MS
Research Associate
September 2005

<u>What is Restorative Justice?</u>

Restorative Justice (RJ) is a new justice paradigm that is unlike the traditional approaches to discipline that have been used extensively in school systems. Traditionally, discipline has been handled by the school administration or teachers and based on a system of rewards and punishments for behaviors deemed appropriate or inappropriate, respectively. Restorative Justice, on the other hand, actively involves the victim of the infraction in addressing the offender directly to hold them accountable and give them a chance to explain their actions. In this meeting, the victim and the offender are invited to decide how the offender can make amends for their misdeed. In this way, the victim can experience empowerment from being actively involved in the justice process and the offender can experience responsibility, in attempting to make sense of the breach of the school rules or normative expectations. In this process, the community of family, friends, social workers, police officers, or other interested parties are often invited to support both the victim and offender on their path towards healing and wholeness once again. Key RJ principles include: focusing on the harms of the incident instead of the broken rule, understanding that these harms create responsibilities for the offender to remedy to the best of their ability, re-establishing broken relationships, showing equal concern for the welfare of the victim and the offender, using inclusive processes based on consensus, and respecting all parties in the process of addressing and remedying harms (Umbreit, 1995, Umbreit, 1994, Zehr, 2002, and Zehr, 1995).

<u>Why are Restorative practices and philosophies being utilized in school systems?</u>

Restorative Justice is being used in school systems as a response to a growing dissatisfaction with traditional approaches to school-based discipline. As an approach, indicated above, RJ calls for a skill set and philosophy that are very different from traditional approaches to discipline, but it has been suggested that these differences might not be incompatible with one another but instead complimentary (Lowry & Tuchman, 2004, p.12). While a strict behavioralist approach to discipline, focusing exclusively on rewards and punishments to provide incentives in complying with school rules and norms, is incompatible with the philosophy underlying RJ, traditional methods of teaching pro-social skills and using traditional discipline as a contingency plan to deal with children not interested in going through an RJ process or who are not willing to take responsibility for their actions, traditional discipline would indeed be compatible (Riestenberg, 2000, p.4).

Zero tolerance discipline policies now popular in many schools are seen as too restrictive by many working in the school system (Rappoport, 2005, p.1). Severe punishments in schools often do more harm than good (Wachtel, 2003, p.1). In fact, in schools that use harsh punishments due to policy regulations students report feeling less safe in school than students where moderate punishments are the norm (McNeely, Nonnemaker, & Blum, 2002, p.145).

Some school-based RJ programs have arisen as a response to particular problems in given schools. One such problem is the problem of bullying and violence within the school (Katchen & Ginsberg, 2001, Morrison, 2005, & Riese, 2003, p.3,). Restorative Justice is thought to be an effective intervention to cope with violence as it seeks to restore balance to the power imbalances that have occurred as a result of the violence (Morrison, 2005, p.2). The storytelling involved in RJ processes can result in the victim feeling empowered by having the offender (and others) listen to and empathize with their story of their trauma (Pranis, 2001, p.7). The creative enterprise of determining appropriate restitution, when this is part of the process, is thought to be particularly important in these cases (Katchen & Ginsberg, 2001, p.2).

The pressure for schools to decrease rates of suspension and expulsion, incidents of discipline, rates of recidivism, and referrals to the police has also facilitated to turn to Restorative methods (Chmelynski, 2005, Claassen-Wilson, 2000, & Riestenberg, 2003b, p.7). Suspension and expulsion often lead to further problems and children can experience them as either a traumatic disruption of their connection with the school or as a "vacation" (Claassen-Wilson, 2000, Riestenberg, 2000, p.4, & Studer, 2001, p.3). Either perception can be detrimental to the students psyche and their future behavioral decisions at the school. Ultimately, the opportunity presented by a challenging behavior in a school setting has also the potential for the student(s) involved to learn and grow and RJ maximizes this developmental opportunity (Claassen and Claassen, 2004, 11).

How is Restorative Justice being employed in school systems?

There are a variety of practices used in the school system being employed under the rubric of Restorative Justice. In its application, RJ is being used by schools in an almost limitless combination of ways. Any particular practice may or may not be used by a school with an RJ program. It is therefore impossible to say what a standardized approach to implementing an RJ program would look like, as no such program exists. Underlying all programs, however, is a commitment to the philosophy of Restorative Justice, bringing RJ to the lives of the students, staff, and other stakeholders of the school, and using at least one of the RJ practices, outlined below:

Victim-offender mediation – The process where the victim of the breach of the school rules and the offender come together in a meeting for a dialogue with the help of a trained mediator. In the meeting, the victim shares their story of victimization with the offender and learns more about the circumstances surrounding the rule breach as the offender offers their account of the event and takes responsibility for their actions. Frequently a restitution plan to reestablish relationships and make amends for the normative breach will result (e.g. Palazzo & Hosea, 2004, p.7).

Conferencing (family group or large group) – This process is similar in practice to victim-offender mediation, however, the victim and offender have the opportunity to invite support people, with parents regularly taking part, and secondary victims in the community are represented by other interested parties (such as teachers, social workers, or others affected by the rule breach) (e.g. Palazzo & Hosea, 2004, p.7). Large group conferencing is a modification to the family group conferencing process created to accommodate a greater number of people in response to an infraction involving a greater number of victims, offenders, and community members, where a group dialogue is facilitated with all present (Riestenberg, 2001, p.18).

Circles – This is a process whereby a sub-community in the school (a group of students, a group of teachers and students, or any other school grouping) sits in a circle. This circle of people passes a talking piece around (often something of meaning to the group like a teddy bear for elementary school students). The possessor of the talking piece is the only one permitted to talk and the others in the group are to listen to their narrative. Circles have proven to have a wide variety of applications in schools. Originally used in much the same way as victim-offender mediation or conferencing (as a disciplinary measure), circles have been innovated to create community in a classroom, reintegrate offenders into their school setting, to discuss academic concerns, or to accomplish any number of other group tasks (Claassen-Wilson, 2000, p.2, Palazzo and Hosea, 2004, p.7, Rappoport, 2005, Riese, 2003, p.3, Riestenberg, 2003a, Riestenberg, 2003b, p.7, & Studer, 2001, p.3). School staff have also used the circle process to discuss administrative concerns (Riestenberg, 2003b, p.7) and students have used the process to brainstorm advocacy initiatives to involve themselves in at their school (Student Conflict Hearing Board, 2001).

Peer mediation – In this process a cadre of mediators are trained from amongst the student body. These mediators then offer to intervene in conflicts at school by facilitating a meeting between the parties in conflict. Here there may or may not

be a clear offender as with victim-offender mediation. This practice is not exclusive to Restorative Justice programs but is highly compatible with its tenets and is considered to be a part of many RJ programs (e.g. Hopkins, 2003, p.5).

Training in communication skills – Again, this process is not strictly reserved for RJ programs. It involves teaching a variety of communication skills, anger management techniques, conflict management strategies and the like to students to give them the capacity to deal with their own conflicts productively. This capacity building is an integral part of a great many RJ programs, as well (Bargen 2003, p.4, Rappoport, 2005, p.3, & Riestenberg, 2000, p.4).

Modeling RJ values and changing the culture in the school – Ultimately, it is the hope of many RJ programs to influence the culture of a school such that it exhibits RJ values in everyday interactions in the school (Blood & Thorsborne, 2005 & Wachtel, 1999, p.4). This worldview paradigm shift is not achieved quickly but slowly, as more and more teachers, staff, and students in the school model behaviors and take actions in accordance with RJ principles. Over time, schools with RJ programs have developed to become in line with RJ values (Bargen, 2003, p.4, Studer, 2001, p.3).

Restorative classroom management – Teachers to various degrees are able to integrate RJ principles and practices into their own classroom to deal with challenging behaviors. Beyond using the circle process with students when classroom norms have been breached, it is possible to create "respect agreements" as a group in order to establish an RJ compatible behavioral expectation contract. Students can also be given choice in determining if they would like to use a Restorative process. As well, it is possible to conduct Restorative conferences in the classroom. The focus in such a classroom is on relationship damage and disrespect fro people and property rather than on rule infractions (Claassen & Claassen, 2004).

Curriculum development – Academic topics in the classroom can be modified to accommodate and teach RJ principles. For example, Compton, Conrad, and Murray have modified History and Literature lessons to engage the students in thinking how Restorative dialogues could have taken place in History or in fiction. Students role-play dialogues between slaves and slave owners, Native Americans and settlers, or South Africans and Afrikaners to teach perspective taking and empathy (2001, p.22).

There are, of course, a great many other potential applications for RJ in the school setting (such as Victim Impact Panels and Mentoring) (Colorado School Mediation Project, 2005) but the above practices have been the most common and promising RJ practices to date. Practices range on a continuum from the formal (a conference set at a special time where all involved parties are invited, for instance) to the informal (an impromptu victim-offender meeting on the playground where one child hurt another's feelings, for example) (Lowry & Tuchman, 2004, p.6 & Wachtel, 1999). Some particularly innovative techniques have resulted in more informal settings. Removing a desk in a vice-principles office to make space for a circle (Fiene, 2001, 4), using Curious George to communicate RJ concepts to children (Claassen-Wilson 2001, p.5), and using RJ questioning to promote empathy (such as, who was affected by this action and how?) (Rappoport 2005, 2) are examples that all promote a school environment which accords with RJ values.

There has been an increasing desire to go beyond implementing the Restorative practices and outlined above and to develop a "whole-school approach" in implementing an RJ program. A whole-school approach involves bringing Restorative principles to all levels of school life, to everyday interactions, and changing the school environment (Bargen, 2003 & Hopkins, 2003). It is only when Restorative philosophies are integrated into all school systems will the full potential of an RJ program be realized (Wachtel, 1999, 4). This requires all of the stakeholders that are involved in the school be made aware of RJ and it's potential contribution to the school culture and all of those stakeholders take responsibility for to nurturing relationships and transforming relational patterns to conform with RJ principles (Hopkins, 2003, p.6).

<u>Is Restorative Justice an effective approach to use in school systems?</u>

Restorative Justice programs have met with a great deal of success in school systems, though as these interventions are relatively new and there are very little data attesting to their efficacy. Anecdotal evidence has been very favorable. "Since Pease (an alternative school in Minneapolis-St. Paul) adopted the restorative justice process, the staff has seen some amazing school culture shaping at the school" (Randall Comfort, School Director at the Mounds Park Academy in Chmelynski, 2005, p.2). "Restorative Justice has been very effective in all cases and we have not seen repeat instances with the same students. We find it to be a powerful process for all participants…" (Katchen & Ginsberg, 2001, p.2). "I've

been in the school business for 37 years and restorative processes and the most promising approach to resolving conflict that I've ever seen" (Metzen & Metzen, 2001, p.17).

Where there are data on the efficacy of RJ programs it is very promising, though very preliminary. The Minnesota Department of Education commissioned a study on 5 pilot RJ sites to assess the effectiveness of the programs. In one school when comparing the 2001-2002 school year with the 2002-2003 school year (the intervention year), discipline referral dropped by 57%, in-school suspensions dropped by 35%, out of school suspensions dropped by 77%, and expulsions dropped from 7 to 1. As well, 69% of students reported that they were better able to resolve conflicts since the program's implementation. In 2 other schools, there were reductions in suspensions of 63% and 45%, respectively. In another school, 35% of teachers felt that bullying and teasing were lessened and 40% indicated that there was less student conflict and more student problem-solving since the RJ program came to their school. Over 50% of elementary students in another school indicated that they were better able to get along with their classmates, they felt better about themselves, and that they could solve more of their own problems after the RJ program was implemented. In yet another school, daily referrals for violent offences dropped from 7 per day to less than 2 (Riestenberg, 2003a).

Buxmont Academy, alternative programs for delinquent youth in Lansdale, Pennsylvania, using RJ practices, assessed the impact RJ had in their school by comparing themselves to public schools in the area. 16% of Buxmont students reported getting picked on compared to 49% of the public school students, 24% of Buxmont students said that students have stolen from each other 4 or more times in the last month compared to 47% of the public school students, and 8% of the Buxmont students said that students have wrecked each other's property 4 or more times in the last month compared to 31% of the public school students. Generally, the student body felt safer than before they had an RJ program. As well, students completing the Buxmont program showed increases in self-esteem and pro-social skills while showing decreases in recidivism rates (McCold and Wachtel, 2002).

Commonly, students in schools with RJ programs have shown decreased rates of suspension, expulsion, and referrals to the police (Claassen-Wilsen, 2000, p.2). However, RJ programs in schools which focus only on RJ practices and take a more reactive stance to student norm breaches have had a more limited impact than in schools that have adopted more holistic, proactive approach and adhere more completely to the values of RJ throughout the entire school (Blood & Thorsborne, 2005, p.2). As well, there are some problems in interpreting the limited evaluation data that have been collected to date. There are no standardized measurement tools being used, RJ programs vary widely in their application, and virtually no long-term studies on the efficacy of RJ programs have been conducted with insufficient comparison years to consider patterns of change in the schools. Studies thusfar have lacked adequate comparison groups and, overall, have not been particularly rigorous.

What are some problems being encountered when using Restorative Justice in school systems?

There are still some outstanding issues that are ongoing challenges for those wanting to implement a Restorative Justice program in a school. The need for funding to get the program off the ground and sustaining it is, of course, always a consideration (Riestenberg, 2003b, p.7). The importance of getting the administration and the community to buy-in to the program cannot be overstated and can be a laborious process (Rourke, 2001, p.2 and Studer, 2001, p.3). As indicated above, changing the school culture to conform with RJ principles can also be difficult and setting up an RJ program has been found to be very time consuming (long-term it is thought to save time in dealing with fewer disciplinary issues, however) (Hopkins, 2003, p.5). It has also been suggested that overuse of circle processes could reduce their effectiveness over time (Randall Comfort in Chmelynski 2005, p.2). Further study is needed to confirm this suspicion. The challenges regarding the limited amount of data to date and the lack of standardization in application and evaluation of RJ programs will also need to be addressed if RJ programs are to demonstrate their success empirically in the future. Though, on the other hand, it is a great strength that RJ programs can be adapted to the needs of a particular school and have no prescribed form. This flexibility does, however, create a challenge for the evaluator in ensuring that their chosen methodology conforms to the application of the program in a given school and necessitates that the exact character of the school's RJ program needs to be clearly stated.

References

Bargen, Catherine. (2003, Winter). Safe schools: Strategies for a Changing Culture. *VOMA Connections*. 13, p. 1, 4.

Blood, Peta, & Thorsborne, Margret. (2005, March). The Challenge of Culture Change: Embedding Restorative Practice in Schools. In *Sixth International Conference on Conferencing, Circles, and Other Restorative Practices: Building a Global Alliance for Restorative Practices and Family Empowerment*. Sydney, Australia.

Claassen, Ron & Claassen, Roxanne. (2004, Winter). Creating a Restorative Discipline System: Restorative Justice in Schools. *The Fourth R*. The Association for Conflict Resolution. 9-12.

Claassen-Wilson, David. (2001, Spring). Curious George and "Repairing the Harm" in Schools. *Restorative Justice in Action: Special School Edition*. 5-6.

Claassen-Wilson, David. (2000, Summer) Schools turn to Restorative Justice. *Kaleidoscope of Justice*. The Balanced and Restorative Justice Project. 1(4). 1-2.

Chmelynski, Carlo. (2005, May). Schools find Restorative Justice more Effective than Expulsion. *School Board News*. Retrieved September 17, 2005, from http://nsba.org/site/doc_sbn_issue.asp

Compton, Randy, Conrad, Colleen, & Murray, Mary. (2001, Spring). Teaching Restorative Justice through History and Literature. *Restorative Justice in Action: Special School Edition*. 22.

Colorado School Mediation Project. (2005). Restorative Justice for Schools: A Guide to Understanding the Principles and Practices of school-Based Restorative Justice. [Author]. Retrieved September 17, 2005 from www.csmp.org

Fiene, Joan. (2001, Spring). The Three "R"s and the Three "P"s- Using Restorative Justice as a Tool for Learning and Drop Out Prevention. *Restorative Justice in Action: Special School Edition*. 4.

Hopkins, Brenda. (2003, Winter). A Whole School Approach to Restorative Justice. *VOMA Connections*. 13, p. 5-6.

Katchen, Linda & Ginsberg, Jeff. (2001, Spring). Addressing Bullying and Other Student Wrongdoing through Restorative Justice. *Restorative Justice in Action: Special School Edition*. 1-2.

Lowry, Elizabeth & Tuchman, Moriah. (2004, Winter). Filling the Gap between Conflict Resolution and Discipline: A Restorative Justice Approach. *The Fourth R*. The Association for Conflict Resolution. 5-6, 12.

McNeely, Clea A., Nonnemaker, James M., & Blum, Robert W. (2002) Promoting School Connectedness: Evidence from the National Longitudinal Study of Adolescent Health. *Journal of School Health. 72(4).*

Metzen, David R. & Metzen, Leslie M. (2001, Spring). School-Based Restorative Justice: Perspectives of a Judge and Former School Superintendent. *Restorative Justice in Action: Special School Edition*. 17.

Morrison, Brenda. (2005, March). Building Safe and Healthy School Communities: Restorative Justice and Responsive Regulation. In *Sixth International Conference on Conferencing, Circles, and Other Restorative Practices: Building a Global Alliance for Restorative Practices and Family Empowerment*. Sydney, Australia.

Palazzo, De & Hosea, Bob. (2004, Winter). Restorative Justice in Schools: A Review of History and Current Practices. *The Fourth R*. The Association for Conflict Resolution. 1,7-8.

Pranis, K. (2001). Building Justice on a Foundation of Democracy, Caring and Mutual Responsibility. *Minnesota Department of Corrections*.

Rappoport, Anne. (2005, January). Restorative Practices: Delaware Valley Schools adopt New Discipline Approach. *MetroKids.com*. Retrieved September 17, 2005 from www.metrokids.com/january05/restorative0105.html

Riese, Jane. (2003, Winter). Anti-Bullying Program Aims to Shift Culture in Schools: Is this Restorative Justice in Action? *VOMA Connections*. 13, p. 3.

Riestenberg, Nancy. (2003, June). *Restorative Schools Grants Final Report*. St. Paul, MN: Minnesota Department of Education.

Riestenberg, Nancy. (2003, Winter). Aides, Administrators, and All the Teachers You Can Get. *VOMA Connections*. 13. p.7.

Riestenberg, Nancy. (2001, Spring). Restorative Creativity: Innovative School Applications of Restorative Processes. *Restorative Justice in Action: Special School Edition*. 18-19.

Riestenberg, Nancy. (2000, Summer). Restorative Schools in Minnesota. *Kaleidoscope of Justice*. The Balanced and Restorative Justice Project. 1(4). 4-5.

Rourke, Brent. (2001, Spring). Restorative Justice through the Eyes of a High School Assistant Principle. *Restorative Justice in Action: Special School Edition*. 2.

Student Conflict Hearing Board. (2001, Spring). Restorative Justice and the Students at Fairview High School. *Restorative Justice in Action: Special School Edition*. 7-8.

Studer, Sarah. (2001, Spring). Restorative Justice at Boulder High School: A Student's Perspective. *Restorative Justice in Action: Special School Edition*. 1, 3.

Umbreit, Mark. (1995). *Mediating Interpersonal Conflicts*. West Concord, MN: CPI.

Umbreit, Mark. (1994) *Victim Meets Offender*. Monsey, NY: Willow Tree, Criminal Justice.

Wachtel, Ted. (2003, Winter). Restorative Practice in Schools: An Antidote to Zero Tolerance. *VOMA Connections*. 13, p. 1, 4.

Wachtel, Ted. (1999, February).SaferSanerSchools: Restoring Community in a Disconnected World. Adapted from Restorative Justice in Everyday Life: Beyond the Formal Ritual. In *Reshaping Australian Institutions Conference: Restorative Justice and Civil Society*. The Australian National University. Canberra, Australia. Retrieved September 17, 2005, from www.restorativepractices.org/library/safersanerschools.html

Wachtel, Ted & McCold, Peter. (2002, August). The Worst School I've Ever Been to: Empirical Evaluations of a Restorative School and Treatment Milieu. Adapted from *The Third International Conference on Conferencing, Circles, and other Restorative Practices: Dreaming of a New Reality*. Minneapolis, Minnesota. Retrieved September 17, 2005 from http://www.iirp.org/library.mn02/mn_02mccold.html

Zehr, Howard. (2002). *The Little Book of Restorative Justice*. Intercourse, PA: Good Books.

Zehr, Howard. (1995). *Changing Lenses* (Rev. Ed.). Scottsdale, PA: Herald.

For further information:

Belinda Hopkins, Director of Transforming Conflict – www.transformingconflict.org and belinda@transformingconflict.org

Catherine Bargen, School Project Coordinator, Fraser region Community Justice Initiatives – schools@cjibc.org

Colorado School Mediation Project – www.csmp.org

Nancy Riestenberg, Minnesota Department of Children, Families, and Learning – nancy.riestenberg@state.mn.us

Ron Claassen, Director for the Center of Peacemaking and Conflict Studies, Fresno Pacific University – http://peace.fresno.edu

Ted Wachtel, President, International Institute for Restorative Practices – www.restorativepractices.org and www.iirp.org and www.safersanerschools.org