

Restorative Justice

Can it live up to its promise?

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Discipline in educational settings has traditionally been retributive—focused on punishments such as suspensions or expulsions, not rehabilitation. But there's a shift on the horizon, prompted by a growing awareness that punitive systems aren't netting stronger schools, improved student participation, or positive changes in behavior.

In addition, a preponderance of evidence demonstrates that punitive consequences are meted out in staggeringly disproportionate numbers to students of color, even though these students are no more likely to deserve punishment. A white child may be scolded for taking a candy bar from another student's backpack, but an African-American or Latino child may be arrested, creating potential conditions for a school-to-prison pipeline that has devastated minority communities.

School districts across the country are turning to restorative justice as a remedy. *Catalyst* asked three educators about the promise that restorative justice holds for changing the educational disciplinary environment.

Making the Victim Whole Again Rather than Just Punishing

"Restorative justice is a victim-centered response to harm which requires a paradigm shift from the ways in which Americans are typically accustomed to thinking about crime and punishment," said **Professor Maisha T. Winn, PhD**, who recently spent a day discussing restorative justice as the featured speaker in the School of Education's Distinguished Educational Thinkers speaker series. "There's a lot of punitive-centered ideology in the way we deal with each other. Restorative justice seeks to disrupt that by asking three questions: *Who has been hurt? What do they need?* and *Who is responsible for fulfilling those needs?* So restorative justice is making wrong things right."

There are different techniques for using restorative justice practices, but many schools regularly use dialogue circles to facilitate structured communication. "If restorative justice work is done well, you build community and hopefully interrupt the potential for conflict down the road," said Winn. "You're giving teachers, students and staff the tools to

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be in relationship with each other." However, she cautioned that if schools use circle processes only for conflict resolution, students will see restorative justice as "just another notch on the discipline belt."

Mariama Smith Gray, a doctoral candidate at the School of Education, has been a high school teacher and school administrator, and she believes that restorative justice serves victims far better than a punitive system. "Victims want to feel heard and understood," she said. "They want the person who hurt them to know how that wrong affected them, and they want that person to authentically acknowledge that hurt." Punishments such as suspensions may help administrators point to an easily recognizable consequence for unacceptable behavior, but fail to include the voice and need of the person who was wronged.

Creating Constructive Accountability

Advocates for traditional punishment models argue that suspensions and expulsions are important ways to hold students accountable for their actions.

Gray's experience doesn't support that. During the five years she was a high school vice principal, she oversaw many suspensions and expulsions. "I read an impact statement at a child's juvenile justice hearing," she said. "It was a very unsatisfying experience. I didn't get to say 'This is what he needs,' or 'This is what I want to work on with him.' Instead, my statement became just another nail in his coffin. I suspended kid after kid as a vice principal and gosh, did it help them? No. Did it help the school? I don't think so. That's why I'm studying these issues now."

Paradoxically, suspending students may be needlessly punitive while still allowing them to escape from the direct consequences of their actions. "I don't understand how suspending a student—having them miss school work, being on the street or at home, on their cell phone, watching TV—is holding them accountable at all," said Winn. "I will tell you what accountability is: When you have to sit in close proximity to the people whom you have disappointed or hurt, and try to explain why you're making the choices you're making. *That*



▲ Mariama Smith Gray, a PhD candidate at the UC Davis School of Education, is exploring the disproportionate discipline of students of color in a California high school.

is accountability, and it is *hard*, especially if you're not used to it."

But Are Schools Doing Restorative Justice Right?

When implemented thoughtfully by well-trained teachers and administrators, restorative justice practices seem to be effective. But are schools effectively using restorative justice tools?

Arash Daneshzadeh, who is earning his EdD through the School of Education's CANDEL program, has established successful restorative justice programs in Oakland and San Francisco. He taught at one high school with a high percentage of students who had already been suspended at



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▲ Arash Daneshzadeh, a CANDEL EdD student and teacher, is completing his dissertation on restorative leadership practices and the persistence rates of African-American males in urban high schools.

least twice from other campuses. African-American students made up approximately 8% of the population, but close to 80% of suspensions. When Daneshzadeh implemented a restorative justice program, the percentage of African-American suspended students dropped to 50%.

The key to success was that Daneshzadeh and his peers invited African-American and Latino students with multiple suspensions to join the restorative justice taskforce. These students then took the lead on training teachers and students about mediation. "That type of involvement provides the investment that a student needs to feel like a stakeholder," Daneshzadeh said.

Winn's research agrees. "I just completed a case study of a high school that is advanced in implementing restorative justice," she said. "They've trained their students to be restorative justice

circle keepers, and taught them about racial disparities and school discipline policies. They chose students who weren't necessarily A-students, those who may have had struggles with teachers in the past, and put them in leadership positions. That was important."

Disproportionate Discipline Persists

Daneshzadeh's school saw marked improvement, but still had a disproportionate number of black students being suspended. One reason: White teachers were writing up referrals for black and non-black students differently. "For a non-black student, teachers would say 'the student took the other student's headphones,'" said Daneshzadeh, "but for a black student they might use language such as 'theft' or 'burglary.'"

Gray witnessed the same issues as an administrator and as a researcher—school resource officers dispersed groups of Latino boys but not the white boys standing near them, or sent students of color to the principal for minor infractions that were being excused for white children.

As a result, non-white students are referred more frequently for interventions. "Then restorative justice methods just become a

proxy for race," said Daneshzadeh, "and are associated with brown and black students. Students see that 'restorative justice' is tantamount to an in-school suspension, and that not everyone is beholden to the model."

Structural Change

Winn, Gray and Daneshzadeh all agree that for restorative justice to be a useful tool, teachers and administrators need thoughtful training that discusses the inequities of the current educational system.

"We need to be mindful of the ways that students are a mirror for the blindspots we fail to recognize," Daneshzadeh said. "And we need to have some candid and painstaking conversations about how we implement restorative justice."

"Teachers need to hear about how mass incarceration impacts children and has trickled down into our schools," said Winn. "It impacts *everybody*, not only those being disproportionately disciplined or imprisoned. Students form negative perceptions of those children from groups who are constantly being targeted. Restorative justice can disrupt some of those undeserved negative perceptions." ■