

MOVING FROM RETRIBUTIVE TO RESTORATIVE JUSTICE IN COMMUNITY SCHOOLS

Margaret Leah Corey
University of Chicago

Abstract

The use of suspensions as a method of punishment in schools has increased over the past decade. This disciplinary practice impacts minority students at a disproportionate rate, and has serious implications for students, many of whom discontinue their education because of expulsion or dropping out of the school system. Consequently, many schools are developing innovative and non-exclusionary disciplinary practices. Rather than having students merely fulfill a punishment, methods of restorative justice require individuals to repair the harm done during a behavioral infraction. This method holds promise for curtailing the adverse affects of suspension, particularly in the context of full-service community schools. This article addresses the use of restorative justice in such schools and presents one Chicago community school's use of restorative justice.

INTRODUCTION

Out-of-school suspension is one of the most common disciplinary methods used by contemporary K-12 schools. School administrators rely on suspensions to maintain order and discourage students from breaking school rules. However, this form of discipline has caused considerable controversy, primarily because suspended students lose instruction time while being punished and suspensions have been shown to lead to a greater likelihood of subsequent suspensions, grade retention, expulsion, and incarceration (Skiba and Peterson 1999). Furthermore, while the rationale given for suspensions is that suspended students pose a risk to other students, most suspensions are not given for acts like bringing a weapon to school, but for minor infractions like insubordination and tardiness (Skiba and Peterson 1999; Mendez and Knoff 2003).

In addition to using suspensions for such minor infractions, studies of suspension practices expose racial dynamics and cultural misunderstandings which inform this disciplinary trend. African American students receive significantly more suspensions than their White peers (Skiba, Michael, Nardo and Peterson 2002; Mendez and Knoff 2003). What begins with the inadequate nature of school services for minority students, including high student-teacher ratios and poor course relevance, becomes, in the end, further marginalization within, or removal from, the public school system (Krezmie, Leone, and Achilles 2006; Skiba et al. 2002).

Students' experience of marginalization in schools is one reason why the community school model of public education has proliferated in cities such as Chicago, Baltimore, Cincinnati and Philadelphia. The community school model dictates that schools become the centers of their neighborhoods by providing a variety of services outside the classroom. Full-service community schools, which partner with local agencies, ensure that neighborhood families have access to health care, employment services, community education, and extracurricular activities. This model represents a promising education reform because it addresses the widening achievement gap between minority and Caucasian students through resource allocation to assist families facing

external barriers (e.g., health care) that can hamper a child's academic achievement. In addition to facilitating connections to community agencies, full-service community schools provide additional opportunities for youth development and mentoring as well as opportunities for continued parent education (Dryfoos 2002). One way for full-service community schools to continue addressing educational inequities many minority students face is by minimizing the disciplinary role of suspensions.

Disciplinary practices send a message to students and their families regarding what the school accepts as normative behavior and full-service community schools must ensure their disciplinary procedures are consonant with their role as a community school. Restorative justice represents a promising framework for discipline within the community school; rather than isolating students, it reinforces connections between their actions and the community. When community schools honor the importance of connections within a given community by using methods of restorative justice, such as mediation and conflict resolution, they promote the development of students as productive citizens. This paper presents an overview of current disciplinary practices in schools, the implications of these practices, and ways in which restorative justice represents a beneficial alternative to suspensions. It illustrates these issues through an analysis of one Chicago community school that already utilizes methods of restorative justice. It draws on the example of one K-8 community school, referred to as Lakeside for this paper, which has incorporated restorative justice practices in order to minimize its use of suspension.

CURRENT PRACTICES

Out-of-school suspension is the hallmark of zero-tolerance policies (Skiba, Peterson, and Williams 1997), which aim to provide a straightforward punishment for violence in school buildings (Skiba and Peterson 1999). In 1994, the U.S. Congress passed the Gun-Free-Schools Act, requiring all states receiving federal funding for their school system to expel any student caught bringing a firearm to school. Since the legislation's implementation, schools have expanded their use of a "zero tolerance" policy to punish a wide range of behavioral infractions. Several studies demonstrate that most suspensions have resulted not from violent acts, but

from insubordination to authority, tardiness, and disruptive behavior (Mendez and Knoff 2003; Skiba et al. 1997).

African Americans are disproportionately represented in suspension rates and scholars hypothesize that this disproportionate representation stems from complex factors that lead public schools in low-income neighborhoods to have high student to teacher ratios, poor course relevance, and poor leadership (Krezmien, Leone, and Achilles 2006). Mendez and Knoff (2003) conducted a comprehensive quantitative analysis of suspension rates across elementary, middle and high schools in a large central Florida school district and found that 26% of Black males experienced at least one suspension (compared to 15% of Latino males and 12% of White males). The study also found that rates increased from elementary school to middle school and decreased after middle school. The authors hypothesize that the decrease in high school numbers are explained by students dropping out of the school system completely.

The long-term ramifications of suspensions are serious for students. Because suspensions remove students from the school building, this form of punishment may lead to students feeling so disconnected from school that they exhibit chronic truancy (Skiba and Peterson 1999; Atkins, McKay, Frazier, Jakobsons, Arvantis, Cunningham, Brown, and Lambrecht 2002). Christle, Nelson, and Jolivette (2004) studied suspension trends in 160 Kentucky middle schools to understand the school characteristics related to suspension rates. They calculated Pearson correlation coefficients between suspension and a variety of variables and found a statistically significant positive correlation between suspension and future disciplinary action, such as suspension or expulsion (.853), grade retention (.388), dropout (.280) and law violations (.388). These data suggest that exclusionary punishments make it appear as though schools are addressing problem behaviors when often they are merely shifting the problem out of the school and contributing to long term school disengagement.

Noguera (2003) argues that zero tolerance policies reassert societal power structures as schools implicitly and explicitly socialize students. Continually suspended students learn that they belong outside school. Suspensions thus begin a cycle of student disengagement. These exclusionary practices isolate the individuals, mark them as particularly problematic, and fail to provide any way to alter their status. Noguera claims that by not

providing guidance for students on how they can improve their behavior, schools contribute to young people's negative self-understanding: seeing their roles in school as troublemakers and themselves in society as failures. Noguera therefore recommends that educators create caring environments in which teachers model positive behavior and maintain high expectations for all students rather than removing them from the domain of education.

RESTORATIVE JUSTICE

When Christle, Nelson, and Jolviette (2004) sought to find the differences between schools with high and low suspension rates, they found that schools with low rates used proactive rather than reactive disciplinary measures, maintained high expectations for students, and constantly challenged students to think critically. They showed that school climate and discipline are intertwined, and that beliefs regarding students' capabilities are integral to sustaining successful disciplinary practices. They conclude that discipline must be conceptualized as part of the entire school environment in order to foster positive behavior changes.

The shift from retributive to restorative methods came to education from the field of criminology (Hopkins 2002) as schools found that they too could utilize mediation and conflict resolution. According to Hopkins (2002), implementing restorative justice requires a shift in the interventions that schools use to repair harm associated with behavioral infractions and in the underlying philosophies that guide all decision making in the school community. When adhering to the philosophy of restorative justice, schools use conflict resolution strategies and open dialogue. This process allows for the restoration of relationships and the overall well-being of a community so that conflicts do not recur. Generally, when students are subjected to punitive punishments, they see themselves as victims, which may cause them to avoid taking full responsibility for their actions (Costello, Wachtel, and Wachtel 2009). However, the restorative process engages students around the ramifications of their actions in a meaningful way so that they take ownership over their actions and learn from poor decisions.

Proactive approaches like conflict resolution and forming circles, a process in which all stakeholders in a behavioral infraction sit in a circle and discuss what happened, how it affected

others, and how to move forward, allow students to be involved in the disciplinary process rather than to be passive recipients of punishments. These practices hold students accountable for their actions while developing the skills necessary to work through difficult issues and find fair solutions. Ultimately, these practices encourage students to develop empathic listening, non-judgmental attitudes and perspective-taking, all crucial social skills that aid in the maintenance of healthy relationships.

According to Karp and Breslin (2001), schools do not incorporate restorative justice because its concept is abstract, its practices time consuming, and its philosophy a large departure from traditional disciplinary methods. Examining how several school districts around the country have incorporated restorative justice into their school's disciplinary procedures, they found that restorative justice methods did not wholly displace traditional methods, but instead provided alternative disciplinary options for minor infractions that did not compromise the school community's safety. They found that although each school's application was unique, all schools adopting the methods relied on principles of critical thinking, reflection, and discussion, transforming rule violations into opportunities for students to learn. The authors found that schools viewed discipline as a cooperative process that ideally encourages individuals to connect through discussions, each stakeholder sharing his or her perspective on the situation. In other words, restorative practices allow students to understand better how behavior impacts people's feelings and, in turn, how to participate in developing mutually agreed upon steps forward (Hopkins 2002). By giving students the responsibility to repair harm after a negative behavioral incident, restorative justice in the school system encourages students to have a greater sense of ownership over community dynamics. Restorative justice thus builds community cohesion by acknowledging students and supporting the idea that they have responsibilities and capacities for full participation.

The principles of restorative justice fit into the community school model because they mobilize communities to engage in disciplinary practices together. Furthermore, they encourage critical thinking and self-determination among students, which are skills they must develop in order to be successful after graduation from high school. Community schools hold great promise to teach and practice restorative justice while supporting widespread

dissemination of restorative justice principles. Because community schools allow all community members to come into the building and engage in different activities, a variety of community members can learn these practices and apply them in their greater community.

To incorporate restorative justice into a school community effectively, encouraging school-wide acceptance and support is crucial. Hopkins (2004) argues that in order for the practices to become internalized in a school community, all faculty members must be familiar with restorative practices. To embed the concepts of restorative justice, it is necessary to provide faculty members with professional development sessions and opportunities for practical applications in their classrooms. Providing ongoing support and creating a board of interested faculty committed to the mission of restorative practices are also necessary.

When training students in restorative practices, it is important to account for the developmental level of the students. Peer mediation is one method that trains students to serve as neutral parties when a conflict arises between two or more students. Another method is providing school-wide conflict resolution classes that teach compromise and cooperation skills necessary for non-violent interactions.

Creating a peer jury is another way to incorporate restorative justice into a school community. Nearly 50 high schools and a few middle schools in Chicago have adopted this particular model as an alternative to punitive measures. While published data on the effectiveness of the peer jury in middle schools are minimal, high schools using peer juries report decreased suspension rates, fewer in-school fights and higher attendance rates (Office of Illinois Attorney General, 2008). Additionally, the peer jury method has been written into the Chicago Public Schools (CPS) disciplinary code as a referral option, indicating CPS supports the initiative as a viable method of discipline.

THE EXAMPLE OF LAKESIDE

Lakeside School is a K-8 full-service community school in the Chicago Public School district. It has a population of 500 students, all African American, and nearly all receiving a free or reduced-price lunch. The Illinois Youth Survey given to Lakeside's 6th and 8th graders in March 2008 revealed results that led to

the change in the school's disciplinary procedures. The report indicated that 30% of 6th graders and 45% of 8th graders did not feel safe in their neighborhood. The report also indicated:

- 65% of 6th graders and 64% of 8th graders believe that other students' bad behavior gets in the way of their learning;
- 61% of 6th graders and 62% of 8th graders were involved in a physical fight;
- 46% of 6th graders and 27% of 8th graders were bullied by someone calling them a name;
- 47% of 6th graders and 17% of 8th graders were threatened by another student;
- 33% of 6th graders and 22% of 8th graders believe they aren't treated with as much respect as their peers; and
- 18% of 6th graders and 24% of 8th graders admitted to skipping or cutting one or more full days of school over a one month period.

These data indicate that many Lakeside students experienced relational conflict at school and either felt bullied or felt the need to bully others. These data also illustrate that the relationships students had with each other were strained.

During the 2007-2008 academic year, the school averaged between 30 and 40 suspensions per month, typically resulting from students threatening peers or teachers, displaying disrespectful behavior, or harassing peers over the Internet through email or instant messages. The school's relationships with students' families was compromised. Many parents expressed concern that the school's method of suspending students was vilifying the children.

In summer 2008, a Lakeside planning committee created a peer jury program to address its high monthly suspension rate. This new program allows selected students to collaborate with the school's disciplinary team to determine the consequences for their peers who break non-violent school rules. The program's framework is based on the Chicago Police Department's Peer Jury Court that allows youth with non-violent charges to meet with a peer jury, rather than the Juvenile Court system, to determine an appropriate and constructive sentence. Lakeside collaborates with the Chicago Police Department to support the program's implementation.

The peer jurors at Lakeside do not determine guilt or innocence. Rather, they determine appropriate steps for repairing

the harm done after a referred student acknowledges breaking a rule. A case goes to the peer jury hearing after: (1) a referred student acknowledges guilt; (2) the disciplinarian believes a hearing is appropriate; and (3) the referred student's guardian signs an agreement consenting to their child's participation in a hearing. At the hearing, jurors question the referred student, deliberate, and determine an appropriate consequence from a list of pre-determined options. The jurors call the referred student back, inform the student of the consequence, and schedule a discharge hearing within 7-14 days of the trial hearing. The referred student must complete the assigned consequence and return to the discharge hearing, where the jurors review the assignment and question the referred student about his/her experience completing the assignment. If the jurors deem the completed consequence acceptable, the student's case is discharged. If it is incomplete, the jurors send the case to the school disciplinarian for further action.

The peer jury program is a student leadership program that fosters a sense of restorative justice within the school community and political literacy in the students while minimizing the use of punishments that remove students from the school building. In this process, the jurors develop critical thinking skills by utilizing negotiation and collaboration in order to craft fair and just consequences to certain specified rule violations while referred students are encouraged to think about the consequences of their actions. The program sends a message to the community that the school trusts its students and wants to create a safe and caring school climate. Furthermore, the school invites parents of referred students to attend trials and holds activities throughout the year to demonstrate restorative justice and to provide further education about it.

This program is likely to increase the sense of fairness and justice at Lakeside and to encourage students to view their participation as integral to the school community. Furthermore, this initiative encourages a positive connection between Lakeside and the parents, as well as the school and community institutions such as the Chicago Police Department and community services sites, all of which strengthens the school's mission.

CONCLUSION

The mission of a full-service community school is to provide an institution that provides for the family as much as for the student. In addition to providing families with access to health care services, community education, and other supports, community schools focus on youth development through extracurricular activities. Exclusionary disciplinary practices that require students to stay out of the school do not fit into the framework of a full-service community school. Practices that avoid exclusion as the dominant mode of discipline fit best in the child-centered mission of community schools. Furthermore, because community schools are often located in low-income neighborhoods and frequently enroll minority students (Dryfoos 2002), it is my belief that re-evaluating disciplinary practices in these schools would provide a good opportunity to improve disproportionate rates in suspensions among minority students. Methods of restorative justice fit into the community school model because they use behavioral infractions as opportunities for students to learn from their mistakes and grow as community members. This learning opportunity allows students to cultivate important life skills, including self-awareness and empathy. Community schools provide a good context for the incorporation of restorative justice because families and other community members have the opportunity to experience restorative justice in practice.

Lakeside is just one example of how restorative justice can operate in a school. There are a variety of ways to incorporate it other than through peer jury, and scholarship on contemporary disciplinary practices must continue to address and explore non-exclusionary practices. While highlighting these practices through case studies and descriptive studies is necessary, future studies must also examine the effects of restorative justice on suspension rates, attendance rates, academic achievement, and drop out rates. Restorative justice holds great promise to impact school environments. Strengthening the research base regarding its effectiveness will help support the development and dissemination of school-based restorative justice approaches and facilitate school-based disciplinary practices that emphasize inclusion and learning.

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ABOUT THE AUTHOR

MARGARET LEAH COREY is completing her second year as a clinical student in the Community Schools Program at the School of Social Service Administration. After graduating from Washington University in St. Louis with a double major in educational studies and American culture studies, she worked for the Minneapolis Public School District and Chicago Public Schools. After graduation, she plans to continue working as a Restorative Justice Counselor with the Chicago Turnaround Schools.