## Restorative Justice

In the context of the school system, restorative justice is a set of promising practices that includes preventative as well as responsive strategies to create opportunities for social-emotional learning, foster a school-wide culture of relationship-based accountability, and provide alternatives to exclusionary discipline practices. *Restorative justice* is a broad term that refers to a philosophy or theory of justice and a variety of related practices such as circles, mediation, and conferencing. The focus of restorative justice is relational, rather than legal.

### Practice Possibilities—Ideas to Consider When Planning

- Institute talking circles into regular classroom scheduling to check in with students and build positive relationships.

- Identify specific behaviors represented in exclusionary discipline data that can alternatively be referred to restorative justice practices and implement a plan accordingly. Consider what restorative strategies may address discipline disparities affecting specific populations.

- Integrate restorative justice language into district discipline policies, office referral processes, and classroom pedagogy to encourage the systemic adoption of restorative practices.

- Develop a district-wide restorative justice training program that can support consistent and frequent ongoing training for staff. A community partnership, such as with a local Dispute Resolution Center or Educational Service District, can support internal capacity-building and service delivery.

- Create restorative justice coordinator positions within school buildings to facilitate circles and conferences, manage data collection and evaluation processes, and collaborate with restorative justice partnerships.

- Establish alternative spaces within the school building that can be used for intentional reflection, restorative interventions, and social-emotional learning or integrate such practices into already existent in-school suspension rooms.

- Train a group of students to conduct peer mediations and promote restorative justice.

- Partner with local law enforcement and juvenile courts to integrate restorative justice into diversion processes. One strategy could be to encourage the use of restitution-based alternatives in lieu of legal penalties or fines.

### Demographic Considerations—Student Factors to Consider When Planning

- Students with disabilities, depending on the severity and type of disability, could benefit from the participation of a special education teacher or guardian in formal circles or conferences.

- Students of color and their families, as populations most affected by the disproportionate consequences of exclusionary discipline practices, should be actively consulted and directly involved in restorative justice processes.

- Students from indigenous communities with longstanding traditions of using restorative practices may wish to share examples from their culture, but may also be protective of specific knowledge and protocols. Respectfully acknowledge the rich history of restorative justice as practiced in indigenous cultures throughout the world, but avoid appropriating or decontextualizing specific indigenous practices. Building meaningful relations with local Tribes could benefit the restorative justice process.

## Strategies for Implementation—Success Factors to Consider When Planning

- Consider implementing a restorative justice pilot program before expanding policies and practices district wide.

- Focus on creating buy-in by involving staff, families, and the community in restorative justice policy and implementation processes. Dictating any change of policy without the input of those immediately affected is not only bad practice, but is also fundamentally contradictory to a restorative justice framework.

- Eliminate any unnecessary zero-tolerance or punitive language from written documents and oral communication channels, as such messaging can impede restorative justice initiatives.

- Guard against efforts to make restorative practices part of a punitive discipline process. Willing participation is a core component of restorative philosophies and practice. Incentivizing participation may be beneficial to the process but using coercive actions to elicit participation can be counterproductive.

- Avoid using overly prescriptive definitions of restorative justice so that creative strategies can emerge and schools can adapt to changing student needs. Consider how your theory of action for restorative justice already aligns with existing practices and may integrate other established programs or frameworks (such as PBIS, SEL, and MTSS) into a comprehensive school-wide approach.

- For situations involving a clear victim and offender, take measures to prevent any further victimization or trauma and to ensure the victim's voice is heard in the process.

- Adapt restorative programs to align with local cultural practices and student backgrounds.

- Ensure school security personnel and any contracted school building personnel, especially school resource officers (SRO), participate in restorative justice trainings and are confident in using restorative questioning as de-escalation techniques.

- Encourage students to engage not only as participants in restorative processes, but as agents of change for creating a positive school culture and improving school climate.

## Resources—Tools for Planning
- Oakland Unified School District: Restorative Justice

- Restorative Justice for Oakland Youth

- San Francisco Unified School District: Restorative Practices

- Resolution Washington

- National Association of Community and Restorative Justice

- Northwest Justice Forum

- International Institute for Restorative Practices: Safer-Saner-Schools

## Supporting Research
The term *restorative justice* can refer to a variety of philosophical, cultural, and social frameworks, movements, or practices (Van Ness & Strong, 2014). Similar terms, such as *restorative practices, transformative justice,* or *relational justice*, are often used when referring to the same idea or practice (Van Ness & Strong, 2014). Other times, associated terms are intentionally separated in attempts to make subtle theoretical distinctions (Wachtel, 2013).

Researchers generally recognize contemporary restorative justice theories and practices are rooted in many longstanding traditions, particularly within indigenous communities (Galaway & Hudson, 1996; Van Ness & Strong, 2014; Zehr, 2002). However, *restorative justice* is often narrowly defined as a new approach to conflict within the field of criminology (McCold & Wachtel, 2003; Wachtel, 2013). Dorothy Vaandering defends using the term *restorative justice* and argues for a broader understanding of the concept of justice across fields of practice (Vaandering, 2011). Researchers and practitioners who apply the term *restorative justice* broadly do so in order to include a variety of similar practices or theories within their scope of interest and also to avoid overly prescriptive efforts that may inhibit innovation in the ever emerging field (Braithwaite, 2002; Fronius, Persson, Guckenburg, Hurley, & Petrosino, 2016).

## Restorative Justice Movement
Social organizations advocating for restorative justice have steadily moved institutions toward addressing wrongdoing in a non-punitive way. In the U.S., the institutional expansion of restorative justice was a somewhat progressive development that started in the criminal justice system, expanded within the juvenile justice system, and recently emerged in the school system (Bazemore & Umbreit, 1997; Fronius, et al., 2016; Gonzalez, 2012; Van Ness & Strong, 2014).

Community-based restorative justice efforts largely mobilized around the goal of providing alternative approaches to practices that perpetuated injustices within existing power structures. Researchers and advocates utilize the term *school-to-prison pipeline* to express a system for which they share concerns regarding the coinciding phenomena of increasing incarceration rates and exclusionary discipline rates (Advancement Project, 2010; NAACP, 2005; Schiff & Bazemore, 2012). The correlation between zero-tolerance discipline policies and increased exclusionary practices is well documented and includes authoritative denunciations of such practices as being morally and pragmatically deficient (American Psychological Association, 2008; Biehl, 2011; Losen & Martinez, 2013; Skiba, 2004; Skiba & Knesting, 2001). Researchers and advocates emphasize the disproportionate impact such practices have on students of color (Advancement Project, 2010; Gonzalez, 2011; NAACP, 2005; Schiff & Bazemore, 2012). Based on case studies in several cities where communities mobilized to enact reforms, one researcher noted that such examples were "not isolated instances of community organizing creating change, but rather a movement for restoring justice in public schools" (Gonzalez, 2011, p. 36). National trends correspond with developments in Washington state, where advocacy for alternatives to exclusionary discipline practices coincided with grassroots initiatives that preceded and influenced substantive state action (Mosehauer, McGrath, Nist, & Pilar, 2012).

### Restorative Justice Framework

Throughout recent social movements to change criminal justice and school systems, restorative justice is commonly defined by what it is not or by what it opposes. Prominent restorative justice leaders, Desmond Tutu and Howard Zehr, both contrast retributive justice with restorative justice (Tutu, 1999; Zehr, 2002). Comparisons between restorative justice and retributive or exclusionary practices are commonly made for reframing questions related to the criminal justice system and school discipline (Ashley & Burke, 2009; Bazemore & Umbreit, 1997; Hopkins, 2002;).

In general, a retributive approach focuses on what rule or law was broken, who the violator is, and how the violator should be punished; a restorative approach identifies who was harmed, what interests must be addressed to repair the harm, and who is responsible for repairing the harm – the focus is relational, rather than legal (Zehr, 2002). Restorative justice initiatives are typically guided by general maxims rather than a prescriptive set of rules (Braithwaite, 2002). A foundational principle of restorative justice in schools is the idea that conflict and wrongdoing are opportunities for learning (Ashley & Burke, 2009). While a lot of literature focuses on restorative practices for addressing harm, the scope of restorative justice includes preventative, relationship-building practices and strategies. One widely used model for explaining how restorative practices differ from other types of pedagogical and disciplinary practices contrasts restorative with punitive, permissive, and neglectful approaches. The model portrays how a restorative approach involves "doing things *with* people, rather than *to* them or *for* them," or

doing nothing at all, and is collaborative process that provides high levels of support and accountability (Wachtel, 2013, p. 3). Dorothy Vaandering conceptualized a relationship-oriented variation of the model that is applicable to professional development and relational restorative justice in education (Vaandering, 2014b). What follows is an example of how restorative justice principles can be embedded in the goals of a restorative approach in schools (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 strengths in each young person.

### Restorative Justice in Practice

In practice, restorative approaches range from very informal communication to highly structured conferences (Wachtel, 2013). As in the criminal justice system, schools can successfully address serious misbehavior and incidents of violence using restorative interventions (Varnham, 2005). However, in U.S. schools, the types of behaviors referred for restorative interventions tend to focus on minor infractions (Guckenburg, Hurley, Persson, Fronius, & Petrosino, 2016). The type of behavior most often addressed in schools using restorative practices is interpersonal verbal conflicts, but restorative interventions are also associated with physical fights, damage to property or theft, and other serious behaviors (Baker, 2009; Guckenburg, et al., 2016). Restorative agreements can include restitution, formal apologies, or some other type of written agreement (Baker, 2009; Jain, Bassey, Brown & Kalra, 2014). Schools commonly incorporate restorative justice into a tiered system of supports, an example of which is displayed below in Figure 3.

Restorative justice practices, whether preventative or responsive, utilize restorative questioning as part of the restorative process. Practitioners rely on a variety of open-ended questions to encourage reflective processing and to engage participants in restorative dialogue
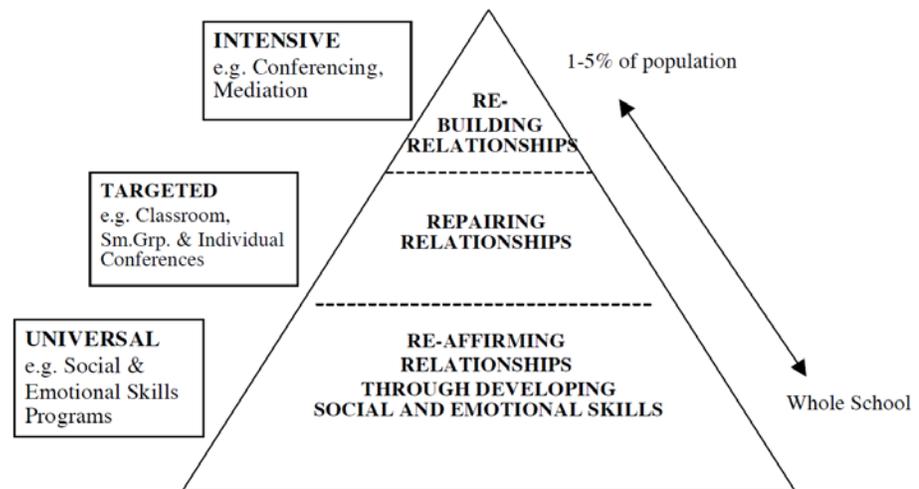


*Figure 3. Hierarchy of Restorative Responses, Blood & Thorsborne, 2005, p. 12.*

(Ashley & Burke, 2009; Wachtel, 2013). Restorative questioning involves asking open-ended questions with language that doesn't make assumptions or stigmatize, and in a calm tone that invites participation. Restorative questioning is commonly used as a de-escalation technique (Guckenburg, et al., 2016). Participants can practice active listening by paraphrasing what they've heard other participants saying and practitioners play a crucial role modeling restorative justice techniques. Restorative processes include circles, conferences, mediations, and other facilitated discussions that vary in structure and intensity (Ashley & Burke, 2009; Guckenburg, et al., 2016; Jain, et al., 2014).

The range of behaviors that are addressed through restorative practices varies, as some schools determine whether types of behavior are appropriate for restorative processes on a case-by-case basis while others identify specific offenses that are deemed inappropriate (Guckenburg, et al., 2016). Whether the decision to use restorative practices for specific behaviors is situational or made according to a pre-determined formula will likely depend on the needs of the school as well as where the school is at in the restorative justice implementation process (Blood & Thorsborne, 2005).

Restorative justice can be introduced into schools in a variety of ways, including through visionary school leadership or grassroots efforts initiated by teachers (Guckenburg, et al., 2016; McCluskey, Lloyd, Kane, Riddell, Stead, & Weedon, 2008). Research indicates that restorative justice practices are most effective when embedded within a school-wide philosophy and approach (Ashley & Burke, 2009; Blood & Thorsborne, 2005). School districts in Oakland and Denver initially piloted restorative justice programs at select sites before expanding efforts and making substantive changes to district policy (Baker, 2009; Jain, et al., 2014). By starting small, these school districts were able to use positive preliminary outcomes as evidence to justify and

secure funding for further implementation. In addition to convincing funding sources, pilot programs and small initial projects that result in positive outcomes can help create buy-in from personnel who may be hesitant or skeptical about restorative justice (Anyon, 2016). In any school, individuals may promote restorative justice within their spheres of influence to gain support (Advancement Project, 2014).

Practitioners identify lack of staff buy-in, insufficient funding, and staff training needs as significant challenges to successful restorative justice implementation (Guckenburg, et al., 2016; Jain, et al., 2014). Variations between restorative justice initiatives may be indicative of innovation and local particularities, but inconsistencies internal to an initiative can be detrimental to implementation efforts (Braithwaite, 2002; Jain, et al., 2014). Recommendations to avoid internal inconstancies include making discipline policies clear regarding what types of behavior correspond with different interventions, educating all staff on referral processes, assuring consistent application of restorative practices with equally consistent follow-up, and regular opportunities for staff training as well as family communication and participation (Jain, et al., 2014).

### Restorative Justice Outcomes

Research on the cumulative effects of restorative justice initiatives in U.S. schools is largely descriptive rather than evaluative. However, preliminary evidence yielded promising results and helped justify the expenditure of funding for additional research (Fronius, et al., 2016; Schiff & Bazemore, 2012). Common outcomes associated with restorative justice initiatives primarily include reductions in suspensions, expulsions, and discipline referrals (Schiff & Bazemore, 2012). Additional outcomes include reductions in law enforcement involvement, improved social skills and school engagement, and many perceived benefits that are often difficult to quantify (Baker, 2009; Gonzalez, 2011; Jain, et al., 2014). In Oakland Unified School District, participant perceptions on restorative justice were overwhelmingly positive across a range of potential benefits (Jain, et al., 2014; Sumner, Silverman, & Frampton, 2010).

Recent evaluative research on restorative approaches in schools suggests that well-implemented restorative practices hold potential for improving student-teacher relationships and reducing racial disparities in school discipline practices (Gregory, Clawson, Davis, & Gerewitz, 2016). Findings from an analysis of discipline records in Denver Public Schools showed significant reductions in office discipline referrals, across racial categories, following student participation in restorative interventions. However, although black students had a higher participation rate in restorative interventions than white students, black students continued to be more at risk for suspension (Anyon, et al., 2016). Despite limitations in the available data and research methodologies, researchers are optimistic that restorative justice practices seem to be culturally responsive and, to the extent that implementation is done with fidelity, associated with

equitable discipline practices (Gregory, et al., 2016). Future research on restorative justice practices should continue to attempt measuring implementation fidelity and disaggregated student outcomes, while also corroborating evidence from similar practices that educators may not programmatically brand or label as *restorative*.

Restorative justice designed partnerships between juvenile justice personnel and educators also hold promise for reducing risk of involvement in the criminal justice system while also increasing student engagement in schools (Schiff & Bazemore, 2012). Research suggests that the transformational effects of a school-wide restorative justice initiative will typically take three to five years to materialize (Gonzalez, 2011; Jain, et al., 2014). As restorative justice initiatives continue to expand and attract funding for further research, an emerging body of evidence will serve to guide future innovative strategies.

## Restorative Justice Perspectives

Researchers are aware of two distinct, yet overlapping, perspectives of what restorative justice is and, based on one definition or the other, how to precede with school-based implementation efforts (Hurley, Guckenburg, Persson, Fronius, & Petrosino, 2015). The first perspective is comprehensive, with restorative justice being defined as a philosophy or an attitudinal approach to human relations. The second perspective is selective, with a focus on applied skillsets or restorative justice as a programmatic strategy for addressing human misbehavior. The latter perspective accepts the idea that restorative-based programs can operate in schools to address individual student misbehavior without necessarily initiating system-wide changes. The former perspective emphasizes that restorative justice must be an all-inclusive theory of practice that effectively addresses wrongdoing while acting to bring about fundamental cultural changes. Each distinct perspective may be independently observed in contrasting school practices, but variations of theory and praxis are likely within any given restorative justice initiative (Fronius, et al., 2016; Guckenburg, et al., 2016; Vaandering, 2014a).

Research suggests that while restorative justice efforts have the potential to foster a positive relational school culture, when such efforts focus on managing classroom behavior rather than promoting conscientious learning, a culture of compliance and managerial control can inadvertently be reinforced (Vaandering, 2014a). Even practitioners who aim to establish a positive school-wide culture of behavior management recognize that if restorative efforts are narrowly focused on responsive interventions to wrongdoing, any subsequent impact on school culture is quite limited (Blood & Thorsborne, 2005). These practitioners conclude that, "while the implementation of carefully thought out strategy is vital, one of the critical issues for successful implementation and sustainability of a restorative philosophy is the realization that this means organisational and cultural change" (Blood & Thorsborne, 2005, pp. 2-3). Recent research suggests that high-quality implementation should involve the integration of student voice in

school-wide implementation planning processes, a restorative practice that is broadly related to improving student-teacher relationships and school climates (Gregory, et al., 2016).

## Institutional Challenges

When implementing restorative justice practices in schools, transitional tensions will inevitably occur as reform-oriented efforts conflict with punitive-oriented mechanisms of social control. Because restorative justice encourages a deeper commitment to equality and equity, both in theory and practice, practitioners often describe the restorative justice implementation process as a paradigm shift or a culture shift (Hopkins, 2002; Jain, et al., 2014). Based on an analysis of restorative justice initiatives in schools, one researcher concludes that practitioners should be consciously aware of the institutional constraints affecting restorative justice efforts in schools and actively strain against such limitations by situating restorative justice within engaged pedagogies (Vaandering, 2014a). Increased student voice and responsibility in decision-making processes can result in staff feeling uncomfortable, especially if they perceive student participation as a questioning of adult authority (Sumner, et al., 2010). Planning to manage difficulties that occur as a result of the impact of such cultural shifts should coincide with changes in organization, policy, and practice throughout the implementation phase (Anyon, 2016; Blood & Thorsborne, 2005). Research suggests that restorative justice practices are less likely to be used in schools with proportionally higher populations of black students (Payne & Welch, 2013). Therefore, schools that choose to implement restorative justice in order to address discipline disparities and overreliance on exclusionary practices should develop a strategic plan that specifically accounts for the needs of those students most likely to be affected.

In practice, restorative justice standards can serve to empower restorative processes or disempower—the impact depends on what the standards represent and the implementation process (Braithwaite, 2002). As agencies of the state, schools operate within a larger power structure that historically marginalized or even subjugated specific populations of peoples and contemporarily continues to do so, even if unintentionally (Vaandering, 2014a). Advocates for restorative justice acknowledge such tensions as they strategize how to empower students and families within a system that is often perceived as disempowering (Ashley & Burke, 2009). Restorative justice, as a theory of action used against and within existing systems, can potentially initiate systemic changes in specific schools or larger state institutions. This hope is expressed in a recent research article that concludes: "a switch from a punitive model of discipline to a restorative justice philosophy seems crucial both for overall student success and a more inclusive, less stratified educational system" (Panye & Welch, 2013, p. 19). State-level or broad cross-organizational efforts to develop restorative justice standards are contested by and made meaningful in local communities, where the generation of contextual standards continuously influences larger standardization efforts (Braithwaite, 2002). Researchers recommend ensuring that restorative justice principles are continuously informed by practice as

the overall restorative justice initiative is customized within the context of each school community (Jain, et al., 2014; Sumner, et al., 2010).

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