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How to Keep Your Restorative Justice Program from Failing



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To create an effective and long-lasting restorative justice system, educators must avoid shortcuts and commit to slower but more sustainable long-term strategies.



PREMIUM RESOURCE

CLASSROOM MANAGEMENT

LEADERSHIP

SCHOOL CULTURE





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Abstract

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Most of us tend to have little awareness of the medical system as we navigate our daily lives, but we know to call 911 if there is a medical emergency, and we can predict with some reliability what will happen once we make the call. The conventional school discipline system, like the criminal justice system on which it is based, works in much the same way. It is invisible to most students and teachers until it gets activated (typically by a discipline referral), at which time, students and school staff alike know what to expect: Some kind of investigative process, which usually consists of questioning the involved parties and reviewing available video footage and other evidence in order to answer the three basic questions of punitive discipline: (1) what rule was broken? (2) who broke the rule? and (3) what is the appropriate punishment?

For much of this country's history, the answer to the third question often took some type of corporal form. This remains the case in some states today, particularly in the South and in private schools (Farrell, 2015; Gershoff, 2017). Most often, however, school punishment involves some type of exclusionary discipline such as detention and suspension. A critique of this approach is beyond the scope of this article, but there is an increasing awareness of its limitations (see Lyubansky &

Barter, 2019, for review) and increased recognition that suspensions and expulsions contribute to the school-to-prison pipeline and other undesirable outcomes.

These concerns, combined with the pattern of racial disproportionality of punitive discipline, have increased interest in the potential of restorative justice, which—rather than focusing on rules and punishment—instead emphasizes relationships and repair of harm. A restorative infrastructure includes structured dialogue that promotes mutual understanding (especially regarding the harm experienced by various parties) and voluntary agreements designed to repair the harm.

Many school districts are re-examining their discipline policies and seeking to adopt more restorative responses to violations of school rules and norms, sometimes as a result of state mandates. These experiments have often resulted in significant decreases in punitive discipline metrics but also revealed a variety of challenges associated with implementation and sustainability. In my work as a restorative justice consultant, my colleagues and I often see several common issues that lead to significant backsliding or even deterioration of an established restorative system. Finding creative solutions to these issues is key to building sustainable restorative justice systems that truly work for all stakeholders.

Committing to a Philosophical Shift

Restorative justice trainers often assert that the work requires a philosophical shift. While this refers, in part, to how we orient toward acts of harm, it also refers to the creation of the new justice system itself. Collaboration, or doing things "with" rather than "to" others, is an important principle of restorative justice, as is voluntariness, the idea that choice and autonomy are important. Forcing people to do something that they don't want to do often leads to resentment and dissatisfaction. It's hardly surprising, then, that any movement toward restorative justice must start and proceed with a collaborative process in which members of the school community jointly determine how the school will respond to conflicts and violations of norms and expectations. As Brazil-based restorative justice innovator Dominic Barter has said many times in workshops and presentations,

these collaborations should include those with structural power (district and building administrators, some teachers) and those with informal power (students, parents, and most teachers and staff).

This emphasis on collaboration might appear rudimentary or even condescending. Certainly, everyone in education has at least some familiarity with the benefits of teamwork and cooperation. But I'm talking about something different here. The education system is hierarchical. It extends, by degrees of authority, from the board of education to district leadership, then down to building leaders, teachers, school staff, and students.

In this context, teamwork and collaboration, when they happen, happen horizontally, not vertically: Students are asked to collaborate with other students, teachers with teachers, and so forth. Restorative justice, however, is intended to describe an alternative power relationship: a "power with" rather than a "power over." A restorative system is created by a community for itself, not by experts or authority figures for someone else. If it is imposed, even subtly, by those with structural power, it is, by definition, not restorative. This is a fundamental philosophical shift from how systems-level change is typically implemented, and it can be a huge stretch for those with structural power, even when they have the best intentions.

Such collaboration or "power with" is different than "getting buy-in." The latter suggests that there is something that one group (consultants, district administrators) need to get from another. As such, it also often implies that the group from which "buy-in" is wanted needs to be educated or persuaded or even incentivized. In the context of setting up a restorative system, all three of these aims are counter-productive. There is nothing wrong with education, of course, and it can be useful to provide information, for example, about the undesirable outcomes associated with punitive discipline and the principles and values upon which restorative justice is based. But such information and strategies are only useful when people are open and interested in receiving them—and that's not necessarily the case when the decision to implement restorative justice in the school gets made.

Rather than educating, persuading, or incentivizing, it is more useful to create space where everyone can meet each other where they are to discuss both hopes and fears. This approach is more time-consuming and probably uncomfortable for many. But this kind of collaborative process is congruent with restorative values and principles, and most people long for congruence between stated values and how things are actually done. Additionally, such a collaborative process often identifies those who are excited and invested in this process *and* those passionately opposed to it, which creates an opportunity to actively include both groups in decision making rather than shutting some individuals out—potentially giving them reason to express their dissatisfaction and resentment through undermining and sabotage.

I can't overstate the difficulty of engaging in vertical collaboration. It takes time and might, therefore, initially appear to be inefficient. It is particularly tempting to move forward without engaging students, who are often not available during the summers, when a lot of the planning and groundwork typically happen, and families, who not only have work and child-care commitments but sometimes their own painful experiences in the education system that engendered distrust of educators. Moreover, a successful collaboration requires the navigation of power dynamics related to race, gender, socio-economic status, and other categories related to status, privilege, and popularity. It's a lot to take on. It's not surprising, therefore, that true vertical collaboration is typically either avoided entirely or given tokenized time and energy so as to "check the box" in the implementation protocol. This is a mistake.

Maintaining Restorative Programs

Possibly the most common reason that restorative programs collapse is that they were held together by a key person.

Building a Restorative Infrastructure

The second challenge is building or adapting an infrastructure that makes restorative responses not only possible, but normative and sustainable. Several aspects of "infrastructure" are worth mentioning: policies, personnel, and space and time. Most policies relevant to restorative justice will live in the section of the district handbook that deals with "discipline" or violations of school rules. These written policies should obviously reflect whatever changes are being instituted. But it is not just a matter of replacing descriptions of punitive policies with restorative ones. The language in these policies should reflect the values and principles of restorative justice, emphasizing relationships over rules and the importance of inclusive, "power with" decision making.

Personnel refers to all of the people in the district who have some role in implementing the restorative response. It's important to note that this is much less centralized in restorative justice than it is in a conventional school discipline system. In a school restorative system, the facilitation of the restorative process might be done by any number of individuals in the building, including teachers, coaches, hall-monitors, and other students. In many ways, this is a strength of the system, but it also means that there has to be an infrastructure in place to identify people who need to learn facilitation skills and then get them the training, practice, coaching, and support they need.

This can present new questions: What kind of training is needed and how much is sufficient? Should teachers and staff get "comp time" or some kind of compensation for taking on this new responsibility? Should students? It's important for those who are creating the restorative system to answer these questions rather than relying on an external authority. This is because when issues arise (and they will), we are much more likely to make the necessary changes when we feel ownership of what we're doing. When we eagerly but passively implement a system we did not have a hand in designing, it is much easier to give up on restorative justice when things inevitably get messy.

The final aspect of infrastructure is to identify the time during which a restorative dialogue can take place and the space suitable for such a dialogue. It is useful to have a dedicated space in the building (sometimes called "peace rooms" or "fight rooms" or "restorative rooms") that can be reserved and used when needed. The

room might have chairs that are easily added or taken away from a circle space to accommodate the exact number of participants, and posters or other wall decorations that promote justice and other restorative values.

Finding time for restorative practices during school hours can be tricky and sometimes not possible at all due to regimented class schedules. Even after-school hours are filled up with activities such as music, theatre, and sports. Instead, those who are involved may need to miss class or other activities to participate, and it is useful for there to be a shared understanding about how to navigate this and what classes/activities, if any, might be off-limits.



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The Forces of Destruction

Even when the implementation process is truly collaborative and the restorative infrastructure is carefully built, it can be difficult to keep it all going. I'm aware of several well-functioning or promising restorative systems that collapsed or disappeared, often in a matter of just a few months. In the hope of reverse-engineering what makes a restorative system sustainable, below are a handful of occurrences that my colleagues and I have seen lead to a restorative system breaking down.

Loss of Key Personnel. Possibly the most common reason that restorative programs collapse is that they were held together by a key person who then, for any number of reasons (retirement, maternity leave, loss of grant funding, etc.), leaves the job. When this occurs, it sometimes becomes evident that the system was working effectively in large part due to the relationships that this person built with both students and school staff and their competence and integrity in doing the work.

There is no easy solution to this issue. It is useful to have a single person who coordinates training, establishes clear expectations, and provides oversight and supervision of restorative responses. It's a positive sign when students and staff grow to trust this person and turn to them when they have a difficult situation. And yet, when only one person is holding up the system, it's understandable that it would get destabilized when this person leaves, especially when it has only been around a few months or even a few years.

According to Kevin Pugh, longtime restorative justice practitioner and trainer and dean of school culture at the Flagstaff Academy in Longmont, Colorado, the key is to have multiple staff be involved in restorative practices at the leadership level. Thus, there might be a single coordinator, but a larger implementation team and multiple district administrators who are familiar with and are involved with the decision making regarding discipline policies and the use of restorative practices.

Politicized Tension and Opposition. Restorative justice continues to be a counter-cultural approach that is unfamiliar to many administrators and educators. As such, it will attract political champions and also be a lightning rod for criticism and opposition. I've seen communities rally to pressure their school district to adopt restorative justice practices and have seen school board candidates campaign for election on the basis of their opposition to these practices. Such political division and the challenges associated with it are part of contemporary society and not exclusive to restorative justice, but restorative principles could theoretically provide a roadmap through them. Returning to the principle of "power with," schools would do well to form an implementation team consisting not only of restorative champions but also ardent critics and then continuously support them in understanding everyone's needs and concerns.

Loss of Grant Funding. About five years ago, one of my graduate students evaluated a restorative system in a Virginia high school as part of her dissertation. The multi-method evaluation showed some limitations but also found a number of positive outcomes, including improved relationships and increased academic focus (Ortega et al., 2016). There was excitement about the findings and a sense of pride in building something positive and useful. The following year, however, both the coordinator and the restorative program were gone. The reason? All of the funding was coming from a grant that was not renewed.

Many school districts have access to substantial federal and state funding and grant opportunities. There is no reason not to use such aid to support restorative justice initiatives if there is a transition plan to a sustainable funding stream under the school district's control. Importantly, this must include staff salaries for coordinators and others whose job description relates to restorative practices.

Lack of Personal Mentors. Many school administrators leading restorative initiatives in their schools or districts have highlighted the importance of having a personal relationship with either a restorative justice mentor or a colleague who was engaged in similar efforts. I spoke with Donna Kaufman, an assistant superintendent in central Illinois, who said:

Without having someone with knowledge of both restorative practices and system building, I would have given up. I would have faked it. I would have used the terms but not really done it. The number one thing—and I don't think I got that really at the time, but I know it now—is that having someone I trusted to talk to when things got hard was what kept my mind and heart in the game.

In Need of a Strong Team

Earlier this year, the cargo ship the *Ever Given* got grounded trying to pass through the Suez Canal. Stuck on a diagonal, the ship was unable to move either forward or backward. Transitioning to a restorative system can sometimes feel like that, too. Going back to the old way is untenable because it failed many of our

students, but the way forward to restorative justice can seem unclear and even perilous because it's uncharted territory.

It took 14 tugboats and a team of workers from three different countries to get the *Ever Given* unstuck. It might take a similar commitment and coordinated effort to philosophically shift how we initiate and create change and build an infrastructure that supports restorative values and practices. Navigating these waters can certainly be challenging, but when has creating something different and new ever been easy?

Reflect & Discuss

What do you think is the biggest challenge to implementing a restorative justice program in a school or district?

Why is it so important to hear from all stakeholders—including those with dissenting views—before implementing this type of discipline system?

Do your school or district's values and mission correlate with restorative justice values? Why or why not?

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