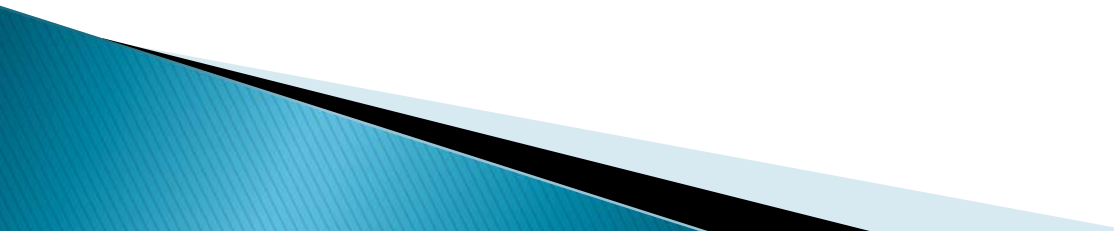


# Restorative Justice P<sup>3</sup> Philosophy, Principles, and Practices

Michigan Department of Education  
Segment 1: Why Restorative Justice?

# Segment 1 Training Goals

1. Examine the need for an alternative discipline option.
  2. Introduce Restorative Justice Philosophy.
  3. Give opportunities to apply these concepts to a student's life.
- 

# Zero-Tolerance = Traditional Discipline

“Zero-tolerance disciplinary approaches exclude students from their schools through out-of-school suspensions, expulsions, and referrals to alternative schools or programs (Advancement Project, 2010).

The original intent of these policies and practices was to address serious threats to school safety.”

Quoted from *Restorative Practices: Fostering Healthy Relationships & Promoting Positive Discipline in Schools*, p. 4



# Traditional Discipline by the Numbers

- ▶ “Students who are not in class are, of course, not doing much learning. Thus, students subjected to harsh disciplinary measures that exclude them from school tend to fall behind academically.<sup>19</sup>
- ▶ “Students who face harsh discipline often feel alienated from their schools, resulting in more absenteeism.<sup>20</sup>
- ▶ “Students punished by zero-tolerance measures often fall behind their peers due to lost learning time. As a result, they often become frustrated or embarrassed and proceed to disrupt class.<sup>21</sup>

Quoted from *Restorative Practices:  
Fostering Healthy Relationships &  
Promoting Positive Discipline in Schools*, p. 4

# Traditional Discipline by the Numbers

- ▶ “Unjust disciplinary consequences are frequently traumatizing for young people, leading to public humiliation, diminished self-worth, and distrust of school officials.<sup>22</sup> They also often trigger a cycle of disengagement from schools, where students become less trusting and more resentful of their teachers, losing the “connectedness” that is such a critical component of academic success.<sup>23</sup>
- ▶ “As youth become more alienated, they also become more likely to engage in risky behaviors, violence, and alcohol and substance abuse.<sup>24</sup>”

**Quoted from *Restorative Practices:  
Fostering Healthy Relationships &  
Promoting Positive Discipline in Schools*, p. 4**

# Traditional Discipline by the Numbers

“The Departments recognize that disparities in student discipline rates in a school or district may be caused by a range of factors. However, research suggests that the substantial racial disparities of the kind reflected in the Civil Rights Data Collection (CRDC) data are not explained by more frequent or more serious misbehavior by students of color.<sup>7</sup> “ . . . [And yet]

- “African-American students without disabilities are more than three times as likely as their white peers without disabilities to be expelled or suspended.
- Although African-American students represent 15% of students in the CRDC, they make up 35% of students suspended once, 44% of those suspended more than once, and 36% of students expelled.
- Further, over 50% of students who were involved in school-related arrests or referred to law enforcement are Hispanic or African-American.”

U.S. Department of Justice Civil Rights Division  
U.S. Department of Education Office for Civil Rights  
*Dear Colleague Letter on the Nondiscriminatory  
Administration of School Discipline*

# Social Costs by the Numbers

- ▶ In 2008, Princeton researcher, Celia Rouse calculated that a person who drops out of high school costs the nation about \$260,000. Every year, 1.2 million students drop out of U.S. schools. (Education, 2008)
- ▶ Justice system involvement: Students suspended or expelled for a discretionary incident were nearly three times as likely to be in contact with the juvenile justice system in the next year. (OJJPD, 2014)
- ▶ Michigan's 2012 budget allotted \$1.8 billion—about 25% of the entire state budget—to the Department of Corrections. (State Budget Director, 2012)
- ▶ For every dollar Michigan spends on universities, it spends \$1.19 on prisons. (Bebow, 2011)

# State Board of Education Response

“Michigan students in all of their diversity must be educated in a safe and supportive environment that fosters academic success and healthy development. . . . Applied fairly and consistently, discipline plays an important role in establishing that environment when it prioritizes keeping students in school through graduation. . . . Working in partnership with stakeholders including students, educators, families, and members of the community, schools can implement discipline policies and supplemental practices that contribute to and help develop a positive school climate based on respect and pro-social development . . . [These] help reduce disenfranchisement and academic failure by keeping students in school where they can learn and get the social-emotional and academic support they need to succeed.”

*MI State Board of Education, Policy on Reducing  
Student Suspensions and Expulsion, 2014*



# It All Adds Up to Restorative Justice

- ▶ Restorative justice (RJ) is an approach to addressing conflict and misconduct that focuses on healing rather than punishment and values accountability over exclusion.
- ▶ RJ assumes that misconduct and conflict injure those directly involved (victims and offenders) as well as the broader community to which they belong.
- ▶ Rather than relying on punishment, RJ expects those who cause injuries to make things right with those they've harmed and with their community.

(Zehr, 2002; Umbreit, 2011)

Bishop Desmond Tutu summarizes RJ beautifully here in this address he gave to the UCSB on November 4, 2005.



# Different Approaches

## Traditional Discipline Asks:

- ▶ What rules have been broken?
- ▶ Who did it?
- ▶ What do they deserve?

## Restorative Justice Asks:

- ▶ Who has been hurt?
- ▶ What are their needs?
- ▶ Who has the responsibility to make things right to restore relationships?

Howard Zehr,  
From his Keynote Address to the 12<sup>th</sup> International  
Institute for Restorative Practices , October 2009

# Balanced and Restorative Justice

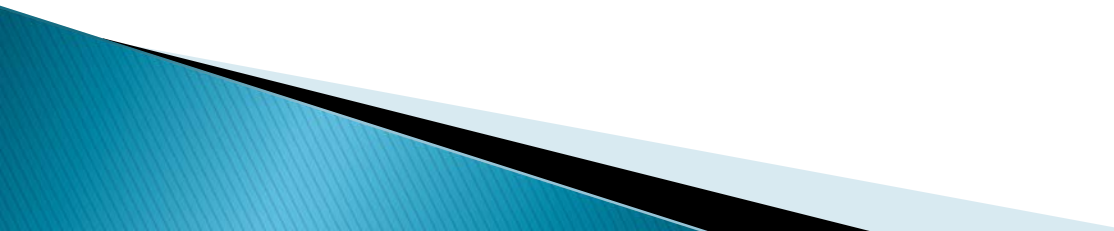
- ▶ Restorative Justice brings together the person who has been harmed (victim) with the person who caused the harm (offender) and others affected more broadly (community) by the situation of misconduct or crime.
- ▶ Together, those affected by the incident develop a solution which builds accountability and competency while enhancing public safety.




BARJ Triangle, based on design by US Dept. of Justice, Office of Juvenile Justice and Delinquency Prevention Division (OJJPD)

# An Ancient Idea Whose Time has Come


In this video, *Peoples' Sense of Justice*,  
Dennis Maloney summarizes  
restorative justice principles and  
concepts to law enforcement  
professionals.



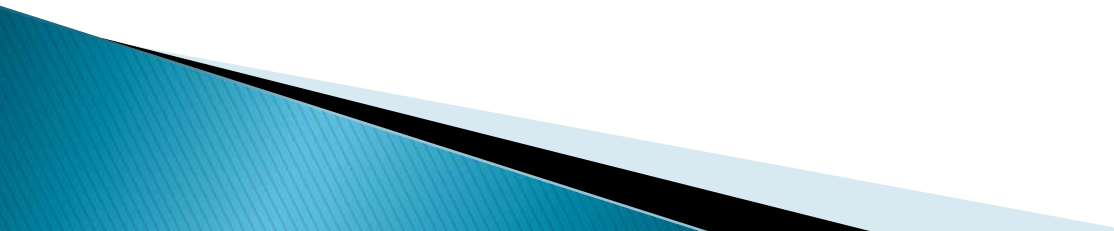
# Ancient Process Resurrected

- ▶ Restorative Justice principles are central to:
    - Native American/First Nations justice processes
    - Indigenous practices in Liberia, Palestine, Afghanistan, Maori (New Zealand), Hawaii, Nigeria, Latin America, India, Bangladesh and Celtic Brehan Laws (Umbreit, 2012)
    - South African Truth and Reconciliation Panels and Rwandan Genocide Tribunals
  - ▶ Justice in England had been practiced restoratively until the Norman Invasion which had put William the Conqueror deeply into debt. To help his father, Henry I declared that certain violent offenses and robbery would no longer be resolved through direct payment to the victim, but would demand a fine paid to the king (Umbreit, 2012).
  - ▶ The rest is history!
- 

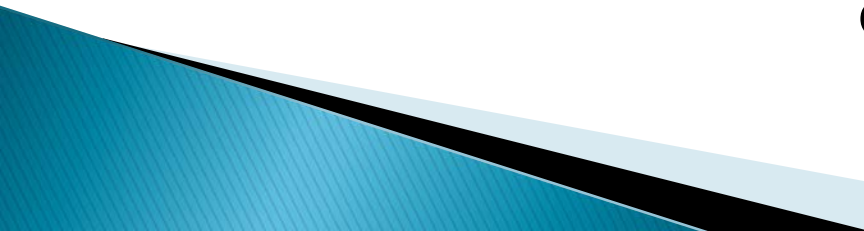
# Foundational Elements of RJ in Our Families and Ancient Cultures

- ▶ Story-telling and listening
  - ▶ Engaging all those affected by the conflict or misconduct
  - ▶ Respect for all participants
  - ▶ Consensus-based process for determining appropriate consequences
  - ▶ Accountability defined by healing harm rather than serving punishment or being excluded from community
  - ▶ Community supports and values all affected parties throughout healing process
- 

# Foundation of RJ in Our Schools

- ▶ In the 1970s, western societies began using the RJ practice called Victim–Offender Mediation in prisons. Based on its success and positive reviews, the use of RJ spread in both the criminal and juvenile justice systems.
  - ▶ In 1990, Howard Zehr launched the modern RJ movement with his book *Changing Lenses: A New Focus for Crime and Justice*. Before long, educators began adapting RJ principles and practices to school discipline.
  - ▶ Today, RJ is endorsed by governmental entities including the United Nations, the U.S. Department of Education, various states' boards of education, and local school boards.
- 

# Natural Consequences

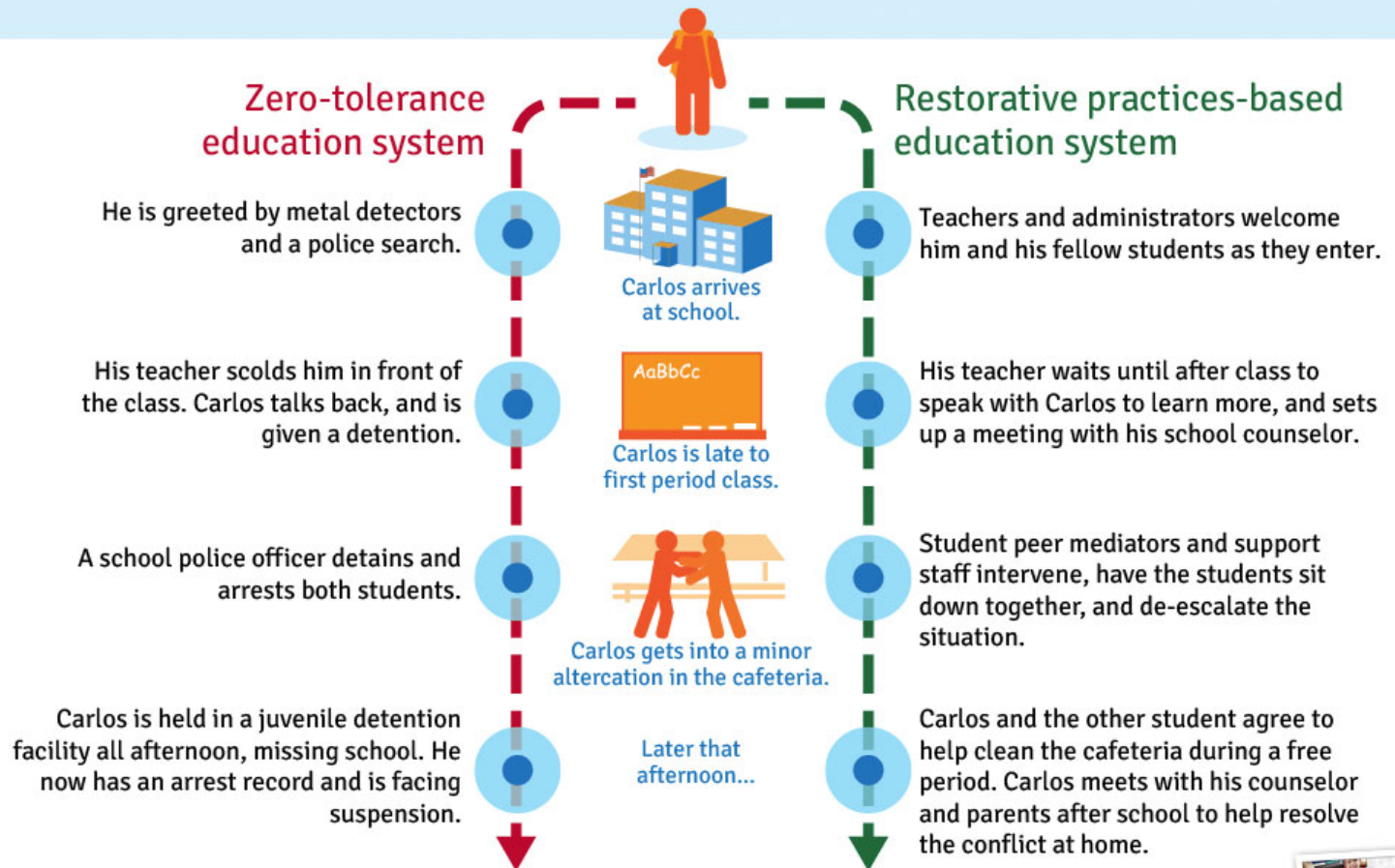
- ▶ Recognizing that restoring justice and healing harm is natural to many cultures, including our own. Consider the difference a restorative school environment can have on a young person.
  - ▶ The following slide depicts how Carlos' day (and life) might differ between a school that practices zero tolerance discipline versus one that practices restorative discipline.
  - ▶ Consider which day you want for your students.
    - ▶ If you are in a group training, talk with your colleagues about how RJ could impact your students.
- 



# A Tale of Two Schools

Carlos had a heated argument with his parents before leaving for school, so he's running late.  
Let's see the difference that restorative policies and practices can make.

This infographic appears in *Restorative Practices: Fostering Healthy Relationships & Promoting Positive Discipline in Schools*, p. 5



# Adding it All Up

Zero Tolerance discipline was adopted to send a strong message that misconduct has no place in our schools. While that sentiment makes sense and is important for some offenses, it has had unintended consequences, including:

- Disproportional application on students of color, special needs students and other at-risk children;
- Higher rates of academic failure and criminal involvement in excluded students;
- Billions of dollars indirect and opportunity costs from former students whose academic failure led to lower wages and higher social costs including incarceration.

Restorative Justice (RJ) offers a time-tested alternative discipline approach that keeps kids in school, demands direct accountability and builds connections that help students succeed in school and life.