

Chapter 10

Restorative Justice: Breaking Tradition

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ABSTRACT

For decades, public schools in the United States have employed retributive discipline systems that rely heavily on exclusion as a primary means to mete punishment. More recently, some schools have begun employing restorative practices which encourage relationship-building, healing, learning, and collaboration before, during, and after discipline events. Used proactively as a means to build a culture of caring and support, restorative circles foster communication and relationship-building among school stakeholders, but restorative conferences and circles may also be used in lieu of exclusion as alternatives to traditional discipline models. Advocates of restorative justice assert that recidivism is reduced through purposeful community-building processes espoused by RJ principles.

INTRODUCTION

Engaging in traditions provides individuals with a mechanism for bonding to a group. Through participation in shared activities or through a collective ideology, involvement in traditions is an overt expression of loyalty and belonging to a culture. Traditions typically persist because they are symbolic of a group's collective history, and they represent devotion to perpetuating the beliefs of the shared community. The public school system is richly steeped in traditions; those activities woven through the fabric of shared school experiences. Most can recall annual school activities such as homecoming parades, pep rallies, proms, and school cheers, to name a few. Quite simply, traditions are a significant part of matriculation, but occasionally, an unwavering or unquestioned adherence to tradition establishes a barrier to much-needed change. This may be the case with how schools enact discipline. With so many students presenting behaviors associated with adverse childhood experiences, retributive discipline practices erect a barrier to effectively build relationships by decreasing exposure to positive affects (Tomkins, 1992). In this manner, conflict cannot successfully be addressed and healing does not occur.

DOI: 10.4018/978-1-7998-7473-7.ch010

Restorative Justice

Often overlooked is the health of the learning community when trauma-affected children are a part of the community. While there may be modifications to the practices and procedures to accommodate a trauma-affected child, sometimes ignored is the attention that is also required for the group as a whole. Restorative justice can provide a mechanism not only to address those behaviors, but also as a way to build relationships through trust and shared accountability to the learning community. When the principles of restorative justice are coupled with revised discipline practices, the impact on the learning community can be dramatic which serves both the needs of trauma-affected students as well as for their peers.

Traditions typically evolve over time, and the usefulness of traditions may be exhausted. In short, traditions have a lifespan, and in the case of school disciplinary practices, the use of exclusionary, retributive discipline may be reaching the end of its usefulness. Strong, positive, supportive relationships serve as a mechanism to mitigate negative behaviors for all students, not just those who present challenging behaviors due to trauma exposure. Most people can offer an account of what happens when a student gets into trouble at school. The student is sent to the principal who dispenses some form of punishment, often exclusionary in its nature, then the student serves the penalty, and eventually returns to the classroom. For some students, this process is repeated over and over. Discipline practices in public schools have remained steadfastly tied to structures of punishment and control. Unchanged for decades, discipline has been used to shame students who break rules and to ensure students receive fitting punishments for their infractions (Bube, 2018; Cooley, 2017; Hand, 2012; Morrison & Vaandering, 2012; Ryan & Ruddy, 2015; Song & Swearer, 2016); however, more recently schools' reliance on tradition is being challenged by new philosophies of discipline that encourage healing, learning and collaboration during and after punishment (Mayworm et al., 2016; Mirsky, 2004; Olson, 2011; Pavelka, 2013; Song & Swearer, 2016). Restorative justice is one of those methods as it inherently provides a proactive and reactive application for building a learning community for all students.

DEFINING RESTORATIVE JUSTICE

Restorative justice, sometimes referred to as restorative practices, is a positive behavioral support system that fosters community-building through consistent and purposeful dialogue and interaction. It provides teachers and administrators with tools when inevitable problematic behaviors occur in the learning community, and when used proactively, it constructs healthy learning communities. Deleterious behaviors will surface in any learning community; however, in a learning community in which trauma-affected students are present, it is even more important to cultivate a culture of restoration and healing. This helps to strengthen students' regulatory abilities (Brunzell et al., 2016). When building a learning community comprised of children from varied experiences, including trauma, evidence shows that nurturing practices have a positive impact on the group culture (March & Kearney, 2017). Fostering conducive relationships predicates a foundation for decreased negative school behaviors such as fighting, bullying, and substance abuse while also increasing positive behaviors such as attendance and improved academic performance (Yang & Anyon, 2016). Restorative justice promotes healing and community-building. After all, developing safe schools in which all members of the community care for one another can support schools' core purpose: teaching and learning (Vaandering, 2014).

Restorative justice is an inclusive process in which all parties with a stake in an offense collaborate to determine a direction for dealing with the offense and address future implications (Braithwaite, 1999). Furthermore, restorative justice is an inclusive approach that focuses on repairing harm caused

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