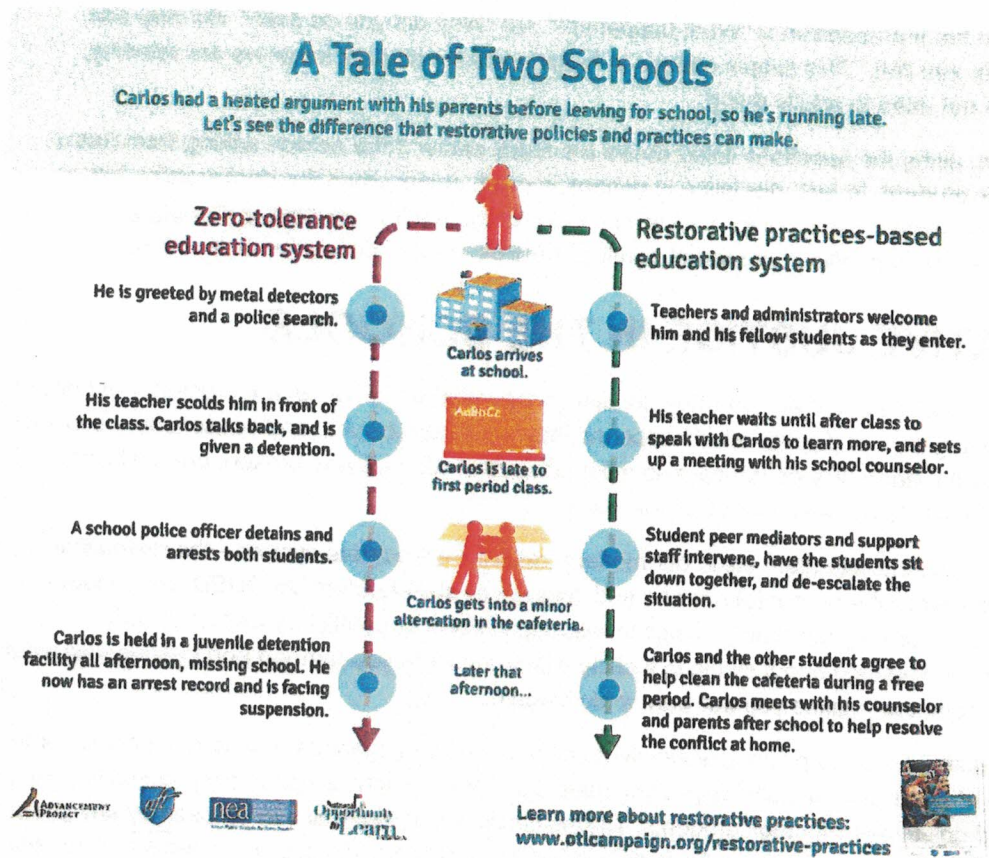


# BRINGING RESTORATIVE JUSTICE INTO THE SCHOOLS

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Harmed people harm people. That is a phrase we use a lot in restorative justice.

Traditionally in our schools we have used punishment as a way to distance ourselves from unwanted behavior. I am not aware of any studies proving that suspending for misbehavior increases attendance, achievement, or graduation rates for the rest of the student population.

However, there are plenty of studies indicating a direct correlation between suspension and decrease in attendance, graduation, and drop out rates for the suspended student. We call this the school-to-prison pipeline, and here in Oakland, CA, it particularly affects African-American students. At Oakland Unified

School District, African-American students make up about 34 percent of the population and, as of the beginning of last year, they made up 67 percent of the suspensions.

As practitioners of restorative practices in school, we understand that punishing for unwanted behavior is a waste of time. It does not serve the goal of graduating our students. Instead, we focus on the root of the behavior through listening, accountability and healing. We ask questions like:

- What happened, and what were you thinking at the time of the incident?
- What have you thought about since?
- Who has been affected by what happened and how?
- What about this has been the hardest for you?
- What do you think needs to be done to make things as right as possible?

You may notice that the first question is “What happened?” not “Why did you do that?” We may add, “Start from wherever you like.” This simple change in framing lets the student know we are listening, something they are not used to adults doing.

As you might guess, using the questions listed above are much easier if the person asking them has a relationship with the student. In fact, discipline in general is much easier when the conversation has a foundation in a values-based relationship. That is why much of the work in restorative practices at OUSD is not about harm or conflict, but around creating the environment conducive to learning.

## RESTORATIVE JUSTICE IN THE SCHOOLS

When there is a serious incident that cannot be handled in the classroom, we have a process that brings the affected parties together to discuss what happened, how they feel about it, and consensually come up with a plan to repair the harm. We do not care so much about the rule that was broken, but the harm caused by it, and the fractured relationships in the wake.

Rather than focusing on the offender—as in our modern, retributive discipline system—the restorative process is oriented toward the person(s) harmed and involves all stakeholders. At OUSD we empower students to become leaders by facilitating circles to respond to harm or conflict as well as to build community. There is something about sitting in a circle with the people you harmed and hearing how what you did impacted them, that makes you not want to do it again.

Sitting in circle, passing a talking piece, is a simple process used by indigenous people for centuries; and it is the beginning of eliminating racially-disproportionate discipline. Teachers use circle process to create shared values and guidelines with their students. Talking circles are a tool that can be used by any group looking to provide a safe place to express feelings and resolve issues. Circle allows students to learn and practice their social-emotional skills like empathy, self-regulation, and social awareness, so they can have successful relationships in school and beyond.

Sitting in a circle is not just a nice “touchy feely” thing to do; the skills gained using a circle process help students build the executive functioning part of their brains so that they may access curriculum standards set forth in the common core. The inclusive nature of this process does not marginalize youth, but rather encourages participation from everyone in a way that reflects who they are and their cultural values.

## RESTORATIVE JUSTICE & BULLYING

Contrary to what many think, it is not always appropriate to bring the target and aggressor involved in bullying situations together in a restorative process. Accountability is key to the healing process and often students that exhibit bullying behavior are not ready to be accountable for their actions, and bringing them together will only cause more harm.

We know that harmed people harm people though, and perhaps the best use of restorative practices in these situations is to be relentless in our community building and talking circles that change the culture of the school to one where bullying is not cool. Change is a social process, and much bullying is the search for connection. We also use circles of support for the aggressor so they may get their needs met in positive rather than dysfunctional ways.

## CHANGING CULTURE, TOGETHER

Implementing restorative practices at OUSD is a huge culture shift that is changing the way we are in community. We are moving from a punitive mindset to one that encourages accountability and healing in ways that are meaningful and relevant to those affected by the incident. It is a process that takes many years to fully implement at a school, with lots of fits and starts along the way. It can be dissonant and confusing at first as it takes hold amidst a punitive culture, but eventually the culture starts to shift. Students begin asking for circles rather than fighting, classes are places where students feel ownership, safety, and a sense of community, and where, who they are as individuals is represented.

As Howard Zehr, the Grandfather of restorative justice in the U.S says, "Restorative Justice addresses the harm caused by an offense, and the harm revealed by an offense." Harmed people harm people, and the resulting obligation is to make it right, not do more harm.

*David Yusem is an experienced conflict resolution and restorative justice practitioner, and is currently the Program Manager for Restorative Justice at the Oakland Unified School District. At OUSD, David supports the district in implementing restorative practices as a model for building community, repairing harm, and providing a welcoming re-entry. Previously, David was the Community Mediation and Restorative Justice Programs Manager for SEEDS Community Resolution Center. While at SEEDS, he created a restitution circle pilot program that received referrals from the Mental Health Collaborative at the Juvenile Justice Center, and designed and received funding for a whole school restorative justice project at a middle school in the Berkeley Unified School District. David is committed to the creation of caring and equitable schools and communities, and to the culture shift required to eliminate racially disproportionate discipline.*