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Abstract

This paper examines the restorative justice system and the importance of integrating students back into the regular classroom following a disciplinary action. Through preventative measures, resolving conflict, and transforming the behavior, students can be reintegrated back into the classroom environment without much loss of learning time.

Keywords

discipline reform, restorative justice, social justice

Introduction

The National Education Association preamble to the Code of Ethics of the Education Profession (2020) states, "The educator, believing in the worth and dignity of each human being, recognizes the supreme importance of the pursuit of truth, devotion to excellence, and the nurture of democratic principles." This indicates the aspiration of all educators and provides standards by which to judge conduct. Educators have a responsibility to apply the teaching process not only to content, but for behavior as well. Every student deserves the opportunity to be a member of a learning community, build relationships, and learn from conflict.

Traditional crime and punishment for students is a faulty system in public schools and does not align with the overarching goal of behavior correction. Students that are not compliant with rules and regulations are disciplined with a method that does not correlate to the issue at hand. Though fictional, the following scenarios of student behaviors and the assigned disciplinary actions are relevant and realistic to the current action and consequences agenda.

- A student arrives late to school three days in a row. The punishment is an after-school detention to be served on a Friday afternoon.

- A student was caught selling candy in the locker room. The punishment is a lunch detention where a cheese sandwich is served in a silent room.

- A student received an office referral from his teacher. The teacher wrote, "He was refusing to participate in class. Continually put his head down to sleep and did not bring supplies." The student is sent to in-school suspension for the remainder of the day.

Detention, suspension, and expulsion are typical responses to student misbehavior. What do these forms of discipline say to our children? You are not wanted. You are not welcome. You cannot learn. You are not worthy. Imagine saying this to 2,635,743 students that received an out-of-school suspension in one school year or 111,215 students that were expelled from school (National Center for Educational Statistics, 2014). Imagine saying this to 424,300 juveniles that were arrested in 2020 (US Dept. of Justice, 2023). Research indicates that the system of crime and punishment in educational settings is the source of the school-to-prison pipeline (Trappen, 2019).

The purpose of this theoretical review of school discipline is to identify the traditional discipline practices and discuss restorative justice through an ethical lens. The following questions were developed and served as focal points when exploring the literature:

1. How can restorative justice provide a framework for discipline reform through the ethics of care and justice simultaneously?

2. How can traditional discipline methods in schools be transformed through an ethic of critique?

Character and Moral Reasoning

Students develop their character and moral reasoning through various situations that they encounter. Opportunities, educational background, religious affiliations, and parental involvement provide variances in student development. Aristotle's description of situational appreciation within Nichomachean Ethics (1941) is still relevant today. He said, "Nor is practical wisdom concerned with universals only – it must also recognize the particulars, for it is practical, and practice is concerned with particulars. Therefore, some who do not know, and especially those who have experience, are more practical than others who know." Individuals must build their ethical compass with experiences and reflection. School leaders should also recognize that the use of a single policy fits all approach is ineffective in developing moral character (Bricker, 1993).

Responsibilities of Educators

The purposes of schools were established long ago. Typically, they consist of three tasks: to prepare students to work in the world, to use their minds well and think deeply in an informed way, and to prepare them to be thoughtful citizens and decent human beings (Sizer & Sizer, 1999). Traditional school compliance expectations are typically simple and to the point. However, they require reference to adult interpretation. These expectations must be taught, and redirection may need to occur. When students are punished for not complying with rules without the option to learn from their actions, recidivism is likely.

It is a challenge to educators whose work is relational to value and recognize the ability to see and respond to the needs of others (Gilligan, 1982). Students require needs met before they are prepared to learn. This begins with physiological needs such as food, water, and sleep. Students need a feeling of safety and a sense of security. Another need that needs to be met before the learning process can begin is a feeling of love and belonging. If these needs are not met, students

may not be able to problem-solve, be creative, and participate in learning activities. Class disruption, negative interactions with peers and adults, or withdrawal and lack of participation are likely outcomes.

Ineffectiveness of Traditional Discipline

The American Psychological Association (2008) states, "There are no data showing that out-of-school suspension or expulsion reduce rates of disruption or improve school climate; indeed, the available data suggests that, if anything, disciplinary removal appears to have negative effects on school outcomes." The goal of district and campus administrators should be to reproduce productive members of society which includes teaching students how to comply as well as reform their behavior.

Excluding students from the learning environment may seem like a quick fix, however, if the behavior is not addressed, corrective behavior is unlikely. School administrators who are opposed to changing the traditional forms of punishment to correct behavior must realize they are creating a cycle of unethical behavior. Removing students from the learning environment temporally stops the behavior. Restorative justice can correct these behaviors on a larger scale, saving the time of educators and administrators from addressing repeat offenders.

Establishing Change

Issues in education, such as a flawed justice system, require the ethic of critique in order to establish change. Several questions can be posed when identifying and critiquing a situation. "Who benefits by these arrangements?" "Which group dominates this social arrangement?" "Who defines the way things are structured here?" "Who defines what is valued and disvalued in this situation?" (Starratt, 1991, p. 189). Applying these questions to discipline reform lays the foundation for change. The students, faculty, and community benefit by these arrangements. The current administration and policy dominate this social arrangement as well as defines the way things are structured here. All stakeholders define what is valued and disvalued in this situation. Critique is an important component of initiating change and throughout the entire reform process.

Change can also benefit from reflective equilibrium (Callahan, 1988). This idea of self-checking of morals can be applied to individuals as well as institutions. In terms of discipline reform, this moral deliberation includes getting a clear focus on the moral issues of the current justice system and what is right and wrong with the policies. It also includes what actions need to be taken and the morality of such actions with respect to student behavior and consequences.

Restorative Justice

Restorative justice is an approach to conflict that focuses on repairing harm and creating a space for open communication, relationship building, healing, and understanding. It provides a way for those impacted by conflict to be a part of finding solutions that meet their needs and promote community safety and well-being (Restorative Schools Toolkit, 2017). The mythology of restorative justice incorporates five components to complete restoration. The first two parts are based on the prevention of conflict. This includes relationship building and respect. The next two pieces are to help resolve conflict: taking responsibility and repairing relationships. The final step

is reintegration to the community. Practicing restorative justice will build an ethical school. An ethical school establishes a learning environment where individual choices regarding individual circumstances are acknowledged, and education can take place ethically (Starratt, 1991).

Preventative Measures

Building relationships is the first step of restorative justice. Caring for other people is one of the most important and significant ways to grow morally as a person (Mayeroff, 2011). Strong relationships between individuals or communities allow for violations to be mended due to previously established rapport. Restoring this damage is a primary purpose of restorative justice (Title, 2011). These relationships must occur from peer to peer as well as educator to student in order for the relationships to be a preventative measure of conflict.

Modeling and teaching respect is another form of conflict prevention. This process requires deep listening, learning, and reflection as to the true meaning of respect. A key component is recognizing that disagreements do not have to end with disrespect. Showing compassion and understanding while being reflective of their situation or problem teaches students to be respectful (Title, 2011). This can be further examined through the principle of equal respect (Strike et al., 2005). Equal respect requires individuals to not treat others as simply a means to reach personal goals. We must respect the goals of others as well. It also requires us to respect others' freedom of choice, even if we disagree with them. Teaching students how to respect one another is a great preventative measure of conflict.

Resolving Conflict

Teaching and taking responsibility are important components of resolving conflict. Everyone involved in a particular situation must be willing to accept responsibility for their behavior (Title, 2011). Admitting wrongdoing or being willing to listen to an explanation from another requires an ethic of care, in particular the act of receiving. Receiving involves accepting another's explanation of their reality while being open and without judgement (Beck, 1994). This sounds simple, but the task is quite difficult, especially for young individuals. Restorative justice protocols include an explicit method for communication to occur. Communication skills are not only beneficial for the process of resolving conflict in school but in real world situations.

Repairing relationships is the final step in resolving conflict. Through repair, the ideas of punishment or revenge are nonexistent. The act of taking responsibility for the actions can assist the victim in regaining composure and healing. The wrongdoer benefits by learning from their actions and perhaps strengthening their self-respect and gaining the respect of others. Restorative justice also notes that this may not be a quick process and that some harm may extend beyond full repair (Title, 2011).

Repairing has similar notions to responding with an ethic of care. The idea of the victim being open and willing to understand where the other party was coming from or why they acted in such a way and the offender taking responsibility for such actions for the relationship to be repaired (Beck, 1994). Resolving conflict requires communication that is unbiased, clear, organized, and open. These standards are taught through restorative justice. Students that are excluded from their

peers for doing harm and do not have the opportunity to take responsibility or repair a relationship will never learn.

Transforming the Behavior

Reintegration must occur for the restorative process to be completed. Reintegration is realized when all persons have put the hurt behind them and moved into a new role in the community. This new role recognizes their worth and the importance of the new learning that has been accomplished. The person having shown themselves to be an honorable person through acceptance of responsibility and repair of harm has transformed the hurtful act. "At the reintegration points, all parties are back in right relationship with each other and with the community. This reintegration process is the final step in achieving wholeness" (Restorative Justice Colorado, 2020). The act of remaining in a community or in a relationship occurs with mutual understanding and moral development from both parties. This is noted by acceptance, grace, and nurturance (Beck, 1994). When the offender reenters the relationship with new ideals and behaviors, all parties benefit, true testimony to the restorative process.

Reintegration with restorative justice is drastically different than traditional discipline policies. With exclusion style consequences, a student may be required to serve a specified amount of time in detention or suspension, then is returned to the classroom after the allotted time. This reintegration welcomes the repetition of behavior because the student has not learned from their actions. They have not developed new ideas or realizations for their moral character. Strategic reintegration allows for this reflection and growth. If educators wish to have desirable results from students, then the treatment must be particular to the individual and the situation (Strike at el., 2005).

Leading Change

Change must begin with leadership. School administrators must model, invest, and respond accordingly to the needs of the students and faculty when implementing change. Change is not easy, especially when current traditions and policies have been in use for decades. Reforming discipline policy is not a light-hearted task. First and foremost, the leaders must "walk the talk." Data from Revolutionaries Incorporated (2018) shows an increase in students' value of school and sense of belonging through restorative justice. This same process of surveying stakeholders can be implemented in any organization or community to increase participant buy-in and encourage others to set similar goals.

In February of 2021, the actions of a principal Indianapolis, Indiana went viral. A student refused to remove his hat, which was a violation of the dress code. The principal sat next to him and asked, "What is going on?" The student replied that he had just gotten his haircut and he didn't like the way it looked, and he thought his hairline looked a little funny. That simple question of what is going on changes the outcome of this entire situation. While many individuals say this principal went above and beyond, Mr. Smith says he is doing exactly what he's supposed to do. Not only because he's the principal, but because he's on a mission to change the culture of his school to a place where he wants to solve problems instead of making them worse. "We're not disciplining with a hard fist. You could call and have the parent pick up the kid for defiance," said Smith, "or

you can sit and get to the root of the problem and see what can I do to help you? What do you need right now?" (ABC 7 Eyewitness News, 2021). What Mr. Smith and similar school leaders are doing is changing the mindset. They are shifting the spectrum from crime and punishment to restorative justice.

Benefits of Restorative Justice

The benefits of restorative justice extend far more than the offender. How is the success measured? In traditional discipline, success may be measured by how much punishment is given. Restorative justice changes the narrative and measures how much damage has been prevented or repaired. The Community Justice Network of Vermont (2021) has identified three overarching benefits including benefits to the community, benefits to the victim, and of course, benefits to the offender.

Restorative justice offers several benefits to the offender, the most significant being a high success rate and timely resolution. Restorative justice offers an opportunity to make amends and change for the better of the community. Traditional discipline takes away an individual's time but does not use such time effectively through character development.

Victims benefit from restorative justice as well. They have the opportunity to feel safe and heal from their offences through structured, meaningful dialogue with the offender. Traditionally, the offenders and victims never are allotted the opportunity to discuss the interaction or wrongdoing. Without this communication, actions and messages may be crossed or misunderstood. Another benefit is the victims often develop a peace of mind about the situation versus a revenge mindset. Most importantly, they can learn from the actions and apply it to future encounters.

The largest impact of restorative justice is on the community. Restorative justice has a high rate of success in reducing repeat offenses which leads to a safer and stronger community. The approach is also cost effective as it saves the communities and organizations money on discipline systems such as detention monitors and the criminal justice system. Communities and schools that have reformed their traditional forms of discipline to those of restorative justice have more cohesive and positive participation (Community Justice Network of Vermont, 2021).

Conclusion

Educators have a paramount role of developing students into well-rounded, educated, and morally driven members of society. Every time a student is excluded from the classroom environment, they are denied the opportunity to learn. Students can be held accountable and learn from their choices if the ethics of justice and care remain balanced. Reexamining the fictional situations though a restorative justice lens can show how students are learning and growing. Students make mistakes but must be given the opportunity to learn from and reflect on them.

- A student arrives late to school three days in a row. When asked why he was tardy, the student explained that his father's new job starts early. He is having trouble adjusting and waking himself up in time to make the bus. The administrator then asks if there is anything that could be done to assist the student. The student replies that he recognizes that it is his responsibility to get up and that he needs to go to bed earlier as well.

- A student was caught selling candy in the locker room. When asked why she was selling candy, the student explained that she was trying to earn money for her lunches. The teacher was then able to provide a free and reduced lunch form for the family.

- A student received an office referral from his teacher. The teacher wrote, "He was refusing to participate in class. Continually put his head down to sleep and did not bring supplies." When asked why he was not participating in class, the student said that math was too hard and that he left his bag on the school bus. The student's academic history was examined, and it was determined that he may need to be referred to an interventionist for mathematics.

All these fictional situations and conversations show just how important the ethic of care is to the development of students and the importance of dialogue from offender to victim has on the outcomes. These relationships were repaired due to restorative justice. Students can be held accountable and learn from their choices if the ethics of justice and care remain balanced.

Students often receive a consequence for poor choices without being taught how to reflect on their behavior. Restorative justice not only allows for this self-reflection and teaching of right from wrong, but it hinders the students' actions becoming repetitive. Student and faculty and community safety is another benefit from restorative justice. Building relationships among teachers, administrators and students plays a fundamental role in restorative justice. The creation of relationships can provide a decrease in discipline referrals. These relationships also lend themselves to teaching students how their behavior reflects their personal ethics. Restorative justice is a way to guide student's moral compass and build their personal code of ethics.

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