

"RESOLVING STUDENT CONFLICT: A RESTORATIVE APPROACH"

INTRODUCTION

Today, our schools reflect the state of the 21st century. Facing crises such as severe budget limitations and providing education in a safe environment with fewer resources, they have adopted certain disciplinary policies, one of which is "Zero Tolerance."

According to the American Bar Association (ABA), "'Zero Tolerance' is the phrase that describes America's response to student misbehavior. Zero tolerance means that a school will automatically and severely punish a student for a variety of infractions. While zero tolerance began as a congressional response to students with guns, gun cases are the smallest category of school discipline cases. Indeed, zero tolerance covers the gamut of student misbehavior, from threats to giving aspirin to a classmate. Zero tolerance has become a one-size-fits-all solution to all the problems that schools confront. It has redefined students as criminals, with unfortunate consequences."

The *ABA Journal* story noted how unfair zero tolerance policies have become. "Students understand that there is a difference between being treated equally and being treated fairly. They are not going to respect teachers and administrators who cannot appreciate the difference between a plastic knife and a switch-blade" (American Bar Association).

Restorative Dispute Resolution (RDR), offers an alternative to suspension and expulsion. This process is designed to address the victims of misbehavior and repair the harm caused to them, and; therefore, to the "school community" (students, teachers, employees and visitors) and neighborhood. When a student hurts another person physically or in other ways, that person is harmed. In addition, when such an incident occurs, the school community and neighborhood residents can be harmed. This can be in the form of fear, high tension, time, reputation, home value and cost. Through this process, RDR seeks to repair the harm and foster a sense of community, within the school and neighborhood, through the development of listening, mutual respect and fairness.

PROBLEM STATEMENT

According to research conducted by UCLA the following alarming national trends have been documented:

- More than 3 million students were suspended and another 89,000 were expelled during the 2002-2003 school year.
- The three student discipline issues most frequently rated as serious or moderate problems by principals at elementary and secondary level schools were

tardiness, absenteeism and physical conflicts.

- Research shows that students of color are most often referred and suspended for non-violent conduct such as “disrespect of authority,” “defiance of authority,” and disobedience (UCLA IDEA).

To combat disciplinary problems at school, some jurisdictions have implemented “Zero Tolerance Policies.” According to *Zero Tolerance, Zero Evidence: An Analysis of School Disciplinary Practice*, “There is as yet little evidence that the strategies typically associated with zero tolerance contribute to improved student behavior or overall school safety” (Skiba).

Furthermore, school suspension and expulsion result in a number of negative outcomes for both schools and students. Students see out of school suspension as a vacation. If they realize that nothing will be done at home, they will continue to try to get suspended. Despite the packets of homework sent home, it usually does not get done, because many parents will not enforce the student responsibility to complete it (Skiba).

The State of Connecticut—through HB 5826—has legislated that, “Effective July 1, 2009, all suspensions from school shall be *in-school* suspensions, unless the administration determines that the pupil being suspended poses such a danger to persons or property or such a serious disruption to the educational process that the suspension should be out-of-school.” (Ali and Dufresne,)

Restorative practices have been utilized worldwide. In 2004, about 10 schools in inner-city Sydney, received training in employing restorative practices and within two years, schools such as Rozelle, “had experienced a culture change and notable improvements—higher test scores, increased community connectedness, increased enrollments, high parent participation and a decrease in suspensions and bullying.” Additional data showed a decrease in expulsions, suspensions, detentions and absences. (Welden)

RESTORATIVE PRACTICES

A much more effective way of dealing with conflict is the use of *restorative practices*. These methods have been effective for years, in the juvenile justice arena. As an increasing number of schools worldwide adopt restorative practices as a means of dealing with discipline and improving school culture, school leaders are beginning to analyze the impact of these methods. The numbers tell a powerful story: Schools implementing restorative methods have seen a drop in disciplinary problems, decreased reliance on detention and suspension, and an improvement in student attitudes.

Instead of zero tolerance and authoritarian punishment, restorative practices provide high levels of control and support, which encourages appropriate behavior, and places the responsibility for resolution on students themselves. This is done by using a collaborative response to victimization. The philosophy underlying these practices holds that human beings are happier, more productive, and more likely to make positive changes in their behavior when those in positions of authority do things *with* them, rather than *to* them or *for* them. (Porter)

Educators around the globe are using restorative practices to proactively prevent problems like bullying and violence. Research shows that restorative approaches can transform student behavior and build healthy school communities. “We’ve shown in case study after case study that schools that adopt this approach report significant changes in their cultures” said Dr. Paul McCold, researcher and founding faculty member of the International Institute for Restorative Practices (IIRP) graduate school. (McCold, McCold)

PURPOSE OF RESTORATIVE DISPUTE RESOLUTION

RDR is designed to repair the harm to the victim and school; protect the school community and build peer and intergenerational relationships through mutual respect and fairness. This is accomplished by using cognitive behavioral processes (role-playing, discussion, feedback, demonstration, activities,) among the stakeholders. They include: the offending student(s); his/her parent(s) or support group; the victim(s); his/her parent(s) or support group and a trained facilitator. The group members negotiate a settlement that addresses the harm to the victim and school community. A written contract will result, that spells out the responsibilities of each participant. The contract must also satisfy the school administration and address legal concerns. Through this process, participants learn about each other and develop empathy, *by looking through a lens* of respect, cooperation and understanding.

VOLUNTARY PARTICIPATION

The participation of all stakeholders in this process must be voluntary. A skilled facilitator is usually effective in conveying the risks and benefits of the process to the participants. If unsuccessful or if a stakeholder is not interested, the school can pursue a disposition in the dispute through traditionally established means, should a necessary party decide not to be involved. This process; however, should use a consistent model, and not a “No Tolerance Policy.”

PRINCIPLES OF RESTORATIVE DISPUTE RESOLUTION

- Victimization is an injury;
- Victimization hurts victims, school communities and sometimes neighborhoods; it creates an obligation to make things right;
- All parties should be a part of the response to the crime, including the victim(s), parent(s,) school and offending student;
- The victim’s perspective is central to deciding how to repair the harm caused by the crime;
- Accountability for the student means accepting responsibility and acting to repair the harm done;
- The school administration is responsible for the well-being of all its members, including both victims and students; and
- Restoration – repairing the harm, holding the offending student(s) accountable, rebuilding relationships in the school setting—are the primary goals of RDR.

RESTORATIVE ACCOUNTABILITY

Ultimately, it is the responsibility of the offending student to repair the harm for the incident. It requires that every effort be made by him/her to restore losses to the victim and school. This program will ensure that:

- The specific violation is addressed;
- Empathy for victims is developed;
- Students are held accountable for the incident; and
- No excuses or rationalizations for violence or victimization are accepted.

RESTORING THE SCHOOL COMMUNITY

A unique feature of the restorative model is that the offending student has not only violated the victim, but he/she has also victimized the school community. His/her actions have caused harm by consuming the time, effort and expense to the academic institution. In addition to making the victim “whole,” the offending student should perform a consequence or action to make amends to the school.

RELATIONSHIPS

In the helping fields, and especially in the academic, juvenile justice and youth care arenas; we *pretend* that we can influence people by *making* them do what we want. Teachers, administrators and other authority figures tend to think that they have “leverage” or power to make students respond through disciplinary action such as: the threat of suspension; expulsion or incarceration. For example, a school may seek an order to keep a student off campus but the order has no effect if the student decides to violate it. Leverage is a myth and a cognitive distortion; it is only as effective as the individual allows it to be.

What we do have is the ability to build “bridges to success” by establishing meaningful peer and intergenerational relationships. The keys to developing them are *listening and mutual respect*. It is a special skill; however, for a teacher or administrator to ride the fine line as a therapeutic listener and authority figure. “How far can I trust you when you have the power to take away my freedom or suspend me?” Still, the relationship is all we really have to offer. The cognitive/behavioral models build and foster relationships through the group process. Students are apt to respond to the *content*, if they trust the agent of change.

GIVING BACK

Giving back—in restorative terms—involves the stakeholders: offending student(s), victim(s), parent(s) and school. It takes the form of students, teachers and administrators participating in a process that addresses the harm that has been caused; in ways meaningful to the victim and school community. For example, the offending student can participate in: community restoration projects; mentoring other students; organizing community activities, such as clean-up projects on school grounds; tutoring; participating on advisory boards.

The parent(s) and/or support groups are an important part of this process; their participation is a key to its success. They can “give back” to the school communities and neighborhoods by participating; providing feedback on the process; advocating for the

school community; mentoring and tutoring students; becoming facilitators and serving on advisory boards.

In Crestview, Florida, students from a medium-risk treatment facility manage and maintain local Little League fields; maintain the county flower gardens and build park benches and signs. The idea is that because the community has experienced harm in the form of tension, fear, defacement and paying for educational and treatment services, students owe a community debt. Sharing that responsibility, community adults work side- by- side with students on such projects, which also helps develop competencies that lead to “*avenues for success*—” working, learning and contributing.

REPARATIVE CONFERENCES

This process is utilized in the school community when someone has been harmed. It brings together those most affected by the act, including the offending student, his/her parent(s), the victim(s), his/her parent(s) and a trained facilitator. The process allows each group member to talk freely about how the behavior affected him/her. The purpose is to decide as a group how the harm will be repaired and what roles each will have to accomplish the responsibilities.

SUCCESSFUL RESTORATIVE SCHOOL PROGRAMS

The use of restorative practices is not new. It has been utilized in a number of academic settings with acclaimed success. This approach engages all persons affected by an incident of misbehavior, such as the victims, offenders and school community. By discussing collectively how to resolve the incident, Chmelynski points out that restorative practices may be implemented in schools through peer mediation, classroom discussion “circles” (groups) or family/group conferencing. The approach is described as part of a healing and learning process which puts the responsibility on students themselves to collaboratively respond to a wrongdoing. Relationships are formed through such the process and a strong sense of community and safety is fostered between the students and faculty. Restorative programs have been introduced into several schools with positive results, including drops in the number of out of school suspensions and incidents of disruptive behavior (Cmelynski).

In Michigan’s Lansing School District, a pilot project was implemented at Pattengill Middle School in January 2005. It introduced restorative practices to manage disciplinary issues. At Pattengill, restorative practices:

- Supported a 15 percent drop in suspensions, while suspension rates at the district’s other middle schools increased;
- Averted two expulsions;
- Resolved conflicts effectively. Ninety-three percent of 292 students participating reported using restorative methods to resolve their conflicts; and
- Taught students new skills. Nearly 90 percent of participating students reported learning new skills in their restorative experiences, and 86 percent reported using those skills to peacefully resolve or avert conflicts after their restorative interventions.

The program's success led the district to expand its restorative program to one elementary school, two more middle schools and a high school for 2006–2007. Lansing restorative justice coordinator Nancy Schertzing estimated that through mid-April 2007, restorative interventions had saved Lansing students nearly 1,500 days of suspension (Porter).

Minnesota, public schools are implementing a range of restorative practices. From 1998 through 2001, the Minnesota Department of Education conducted an evaluation of restorative practices in primary and secondary schools in four districts. The study showed a 30 to 50 percent reduction in suspensions. One elementary school reduced its behavior referrals for inappropriate physical contact from seven per day to a little more than one per day (Riestenberg).

Palisades High School, in Pennsylvania, was the first International Institute of Restorative Practices (IIRP) SaferSanerSchools pilot school. Data gathered by the school showed a dramatic decrease in detentions, suspensions, disciplinary referrals and incidents of disruptive behavior from 1998–1999, when the school introduced restorative practices, to 2001–2002. Overall disciplinary referrals decreased from 1,752 to 1,154; suspensions decreased from 105 to 65; detentions dropped from 844 to 332; and incidents of disruptive behavior decreased from 273 to 153.

Restorative practices arrived at Palisades Middle School in fall 2000, via classroom circles and restorative discipline processes. Over the next year, disciplinary referrals fell from 913 to 516, and incidents of fighting dropped from 23 to 16.

Springfield Township High School, just outside Philadelphia, began implementing restorative practices in January 2000. After beginning with a small group of teachers, the entire faculty was introduced to the approach in fall 2001. Over the next year, incidents of disrespect to teachers fell from 71 to 21, and incidents of classroom disruption fell from 90 to 26 (IIRP, Porter).

RESTORATIVE PRACTICE EXAMPLES

There was a middle school student suspended from an Okaloosa County, Florida school, for making racial remarks. He was alleged to have said to an African-American student in his class, "Why don't you drag your black ass back to Africa." A fight ensued and both students were suspended. The parents of the student that made the comment were irate; in fact they threatened to file a law suit.

Using the RDR method, the facilitator would bring in the students and their families, to discuss the matter and see what appropriate courses of action to repair the harm would be taken, that satisfied the students, parents and school administration. There would be no students suspended (unless it was legally required.) Ideally, the parents would not be threatening legal action; the students would see each in a positive light.

At a juvenile facility in Ft. Walton Beach, Florida, a male student in the facility wrote a sexually explicit letter to a former female student. The young woman's mother called the facility director and wanted to know how this could happen and what was going to be done about it.

Because it happened within a residential setting, suspension was not an alternative. Typically, discipline would be meted out. Rather than do this, the students were brought together. The group members read the letter; they snickered. The group leader (the program director,) asked the question, "How has that letter harmed our community (the residential community.) The answers were very interesting.

One group member said, "The mother must think we are dirt". Another member said, yeah, especially the African-American ones," (the letter writer is African-American student.) A third member said, "And his grammar was awful."

Through dialogue and skillfully facilitated interaction, the mutually agreed upon resolution was:

1. The student would write a letter of apology to the mother and young woman;
2. The group would write a letter of apology;
3. The student would be tutored by another resident with grammatical skills; and
4. The student would perform necessary tasks within the facility.

This process satisfied the victim, offending student, parent and the school community. The student that tutored the offending letter writer received community service credit from his probation officer. The letter writer increased his academic skills.

DISCLAIMER

Although the above processes have been shown to be effective, there remains a population of students that are not amenable to this process. Those would include: students and/or parent(s) that chose not to participate; the seriousness of the offense; legal involvement; serious injury; district policy (although it is anticipated that some policy will need to be amended to implement such a model.)

SUMMARY

American society continues to struggle with huge 21st century issues such as world terrorism, a collapsing international economy and crime. These problems create fear and unrest that influence our political and social institutions, like our public schools. They have responded to problems that impede the delivery of academic mandates within safe school communities in a variety of ways. Research has shown that reactive approaches such as "Zero Tolerance:" out-of-school suspension and expulsion have limited effect and tend to hurt the student by labeling him/her; creating idle time, which can create an atmosphere conducive to at-risk or illegal behavior; falling further behind academically.

Schools in the majority of states and many local jurisdictions have employed practices—with proven success--within the juvenile justice system, for 30 years. Restorative justice seeks to repair the harm to victims; provide public safety and teach competencies to the offender. This is fostered by employing a cognitive/behavioral process called "Family/Group Conferencing" in which the offender, victim, family and/or victim advocate meet to reach an agreement on how to repair the harm. In the process, usually, victims have their concerns met in a contractual form; the parties view each other as human beings by listening and building mutually respectful relationships.

Restorative Dispute Resolution seeks to address behavioral school problems in a similar manner; by bring together the offending student; his/her parent(s) or guardian(s); the victim; his/her parent(s) or guardian(s); and trained facilitator. These stakeholders--through orderly and respectful negotiation—reach consensus on an action plan that addresses the harm to the victim, school community and neighborhood (when necessary,) Restorative practices have been employed successfully in Michigan, Pennsylvania, Minnesota and many other states.

RESOURCES

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