
SCHOOL-BASED RESTORATIVE
JUSTICE AS AN ALTERNATIVE
TO ZERO-TOLERANCE POLICIES:
LESSONS FROM WEST OAKLAND

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Executive Summary

In this report we examine a pilot restorative justice program at a school that primarily served students of color from low-income families. We document the implementation of the program at Cole Middle School in West Oakland, California, and the observations and perceptions of those who participated in it. We also draw lessons from Cole's experiences that we hope will be helpful to those interested in implementing school-based restorative justice.

Restorative justice is an alternative to retributive zero-tolerance policies that mandate suspension or expulsion of students from school for a wide variety of misbehaviors including possession of alcohol or cigarettes, fighting, dress code violations, and cursing. Although zero-tolerance policies have resulted in substantial increases in student suspensions and expulsions for students of all races, African American and Hispanic/Latino youth are disproportionately impacted by a zero-tolerance approach. Under zero tolerance, suspensions and expulsions can directly or indirectly result in referrals to the juvenile and adult criminal systems where African American and Hispanic/Latino youth are also disproportionately represented. This phenomenon, part of a process that criminalizes students, has been termed the school-to-prison pipeline.

Proponents of restorative justice have begun to promote school-based restorative justice as an alternative to zero-tolerance policies. Restorative justice is a set of principles and practices grounded in the values of showing respect, taking responsibility, and strengthening relationships. When harm occurs, restorative justice focuses on repair of harm and prevention of re-occurrence.

Although preliminary research suggests that school-based restorative justice reduces violence, school suspensions, expulsions, and referrals to the juvenile and criminal justice systems, little research looks at the impact of restorative justice programs as an alternative to zero-tolerance policies for youth

of color. This research seeks to fill that gap. The findings presented in this report are based on a case study of a single school conducted by researchers at the Thelton E. Henderson Center for Social Justice at the University of California, Berkeley, School of Law. Data are drawn from observations, open-ended interviews and a questionnaire along with statistics collected from published reports from the Oakland Unified School District (OUSD) and the California Department of Education. Key findings from the research include the following:

1. Restorative justice at Cole Middle School served as a practical alternative to zero-tolerance disciplinary policies, strengthened relationships in the school, and helped students and adults deal with violence in their community.

Restorative justice was successfully integrated into Cole's daily activities to correct behavior that had traditionally led to suspensions or expulsions, including fighting and acting disrespectfully. Teachers and some students committed to lengthy training sessions, and some students began to lead restorative justice practices themselves. Restorative justice practices became a way to build the school community and helped students, school personnel, and parents cope with violence in the community beyond the school.

2. Suspensions declined by 87 percent and expulsions declined to zero at Cole Middle School during the implementation of restorative justice.

This research cannot prove a causal link between the implementation of restorative justice and the considerable decline in the suspension and expulsion rates. During the period studied, other factors such as reduced student enrollment and the school's new principal affected the school environment. Still, the results are consistent with the claim that restorative justice can reduce the rate of suspensions and expulsions.

3. Students assume greater responsibility and autonomy because of restorative justice, potentially challenging traditional roles and relationships in a school community.

In the practice of restorative justice, students are expected to speak up and accept increased responsibility for school discipline and community building. School personnel accustomed to more authoritarian relationships between teachers and students may have difficulty giving students the respect they need to effectively practice restorative justice. In addition, school personnel may be challenged by the need to honor students' increased participation while maintaining classroom control and respect for authority. Nevertheless, this shift in power is critical to the success of school-based restorative justice and may lead to benefits over time.

4. Restorative justice principles must be consistently applied, and restorative justice practitioners must be an enduring force for a successful school-based program.

The principles and practice of school-based restorative justice must be applied consistently in a school discipline program or students and teachers may become disenchanted with the process and refuse to adhere to restorative justice practices. School administrators should ensure that the school's staff always includes experienced ambassadors of school-based restorative justice.

5. School-based restorative justice must be grounded in the norms, values, and culture of the students, school, and surrounding community.

Restorative justice is a values-based approach to resolving conflict and building community with core elements that are central to its effectiveness. However, restorative justice must work in harmony with the norms, values, and culture of those who are expected to participate.

Our research suggests that school-based restorative justice shows promise as a discipline method to reduce suspension and expulsion rates. Furthermore, it can help keep students, particularly students of color and those from low-income families, in schools and out of the juvenile justice system. This report is intended to stimulate informed and rigorous debate about the merits of school-based restorative justice as a fair and effective discipline program. We believe that, when well implemented, restorative justice has great potential to enhance school safety and keep students in school where they have the greatest opportunity to learn, and in turn participate in our democracy and lead productive and fulfilling lives.

Introduction

In this report, we discuss the implementation of a school-based restorative justice program in a low-income community of color as an alternative to zero-tolerance disciplinary policies.

Zero-tolerance disciplinary policies in schools mandate harsh penalties such as suspensions, expulsions, and juvenile justice referrals for behavior that schools once resolved less punitively.¹ Youth of color, often disciplined more severely than their White counterparts, have borne the brunt of zero-tolerance mandates. Research shows that students who have been suspended or expelled from school are at greater risk of being referred to the juvenile justice system.² Because youth of color are disproportionately suspended or expelled, they are also disproportionately referred to the juvenile justice system and represented in juvenile hall, jails, and prisons.³ Restorative justice offers an alternative to zero-tolerance policies and a way to keep youth of color in schools and out of the correctional system.

The philosophy of restorative justice is partially derived from the ways some indigenous cultures, such as the Maori, respond to conflict and harm. Rather than requiring retribution for wrongdoing, restorative justice seeks to encourage accountability, repair harm, and restore relationships. As a set of practices, it is best known for its use of a circle. The circle brings together the harmed, those who caused

harm, and the community in which the harm occurred to respectfully share their perspectives, feelings, and concerns. The stakeholders agree on the values that will guide the circle. Circles can have many functions, including fostering understanding of the harm resulting from an offense, establishing agreement about what should be done to repair that damage, and building a cohesive community. A major appeal of using a restorative approach to discipline as an alternative to zero-tolerance policies is the emphasis on respect, accountability, repair of harm, and restoration of the community rather than on punishment and exclusion. For this reason, some schools have begun to implement restorative justice as a part of their curriculum and as an alternative to more punitive discipline.

There is little research on school-based restorative justice, and even less on its implementation and efficacy in schools serving youth of color from low-income communities. What research there is documents improved school environments and reduced disciplinary action in the United Kingdom,⁴ Australia,⁵ New Zealand,⁶ and the United States.⁷

1 Russell Skiba, Cecil R. Reynolds, Sandra Graham, Peter Sheras, Jane Close Conoley, and Edina Garcia-Vazquez, "Are Zero Tolerance Policies Effective in the Schools? An Evidentiary Review and Recommendations," *American Psychologist* 63, no. 9 (December 2008): 852-862.

2 The Advancement Project, "Opportunities Suspended: The Devastating Consequences of Zero Tolerance and School Discipline" (report from a National Conference on Civil Tolerance, Washington, DC, June 15-16, 2000).

3 Johanna Wald and Daniel Losen, "Defining and Redirecting a School to Prison Pipeline," *New Directions for Youth Development* 2003, no. 99 (November, 2003): 9-15; NAACP Legal Defense and Education Fund, *Dismantling the School-to-Prison Pipeline* (New York, New York: NAACP, 2005), http://naacpldf.org/files/publications/Dismantling_the_School_to_Prison_Pipeline.pdf (accessed September, 20 2010)

Cole Middle School (Cole), in West Oakland, California, is one of the few schools serving non-White students from low-income families to have created a restorative justice program. This report documents how the school implemented restorative justice, how participants experienced the program, and the lessons that emerged.

The findings presented in this report are based on a case study of a single school. We used a multiple-method approach to collect data through observations, open-ended interviews, and a brief questionnaire given to students. These data were supplemented by published reports from the Oakland Unified School District (OUSD) and the California Department of Education. Further details on the methodology are presented in Appendix A.

The first section of the report concentrates on the reasons for implementing school-based restorative justice, both in general and at Cole. The second section documents the history of Cole's restorative justice program. The third section uses Cole's experiences to provide guidance for schools that are considering incorporating restorative justice into their programs.

Because we examined only one school, we cannot definitively prove the value of restorative justice programs in schools serving low-income youth of color; instead, we highlight important issues to consider when implementing restorative justice both in schools in general and in schools that primarily serve youth of color from low-income families in particular. We aim to contribute to a larger conversation about the role of restorative justice in schools, as well as its role in reducing the disproportionate number of youth of color suspended and expelled from schools, some of whom end up in the juvenile and criminal justice systems.

4 Jean Kane, Gwynedd Lloyd, Gillean McCluskey, Sheila Riddell, Joan Stead, and Elizabet Weedon, *National Evaluation of the Restorative Justice in Schools Programme*, (Edinburgh, Scotland: Youth Justice Board for England and Wales, 2004).

5 Lisa Cameron and Margaret Thorsborne, "Restorative Justice and School Discipline: Mutually Exclusive?" In *Restorative Justice and Civil Society*, ed. Heather Strang and John Braithwaite (Cambridge, UK: Cambridge University Press, 2001), 180-194.

6 Sean Buckley and Gabrielle Maxwell, *Respectful Schools: Restorative Practices in Education: A Summary Report* (Wellington: Office of the Children's Commissioner and The Institute of Policy Studies, School of Government, Victoria University, 2007).

7 Laura Mirsky, "SaferSanerSchools: Transforming School Culture with Restorative Practices," (Bethlehem, PA: *International Institute for Restorative Practices*, 2003) <http://www.iirp.org/pdf/ssspilots.pdf> (accessed September 17, 2010).

The Case for Restorative Justice in Schools

In this section, we first explain why a restorative justice approach to conflict and discipline might be useful for schools seeking to reduce the disproportionate number of youth of color from low-income families who are suspended, expelled, and referred to the juvenile justice system. We then describe Cole Middle School and the West Oakland community.

Restorative justice requires accountability and the repair of harm resulting from an offense to those harmed, to the community, and even to those who committed the harm. An offense is not primarily viewed as a transgression against an institution or the government but rather as a violation against people and relationships. A restorative justice model encourages the participation of all the parties affected by the offense in the resolution of the problem and in the repair of the damage.⁸ Through the process of restorative justice, participants create obligations whereby all persons involved mutually agree to certain actions that will right the wrong committed. Strengthening the relevant community so that it can be more engaged in understanding and supporting both those harmed and those who committed the harm is an important focus of restorative justice. A successful restorative justice event is measured not only by process but also by the outcomes, including if those who committed the harm took responsibility, whether the harm was repaired, whether the affected community became safer, and whether all parties, including those who created the harm, were constructively empowered to avoid similar problems in the future.⁹

Restorative justice practices may be especially well-suited for schools, institutions dedicated to helping students learn in a supportive atmosphere.¹⁰ The restorative justice process provides the opportunity for students to confront directly the harm that they have caused in a non-adversarial context. Advocates for restorative justice contend that through this process, young people learn empathy and accountability. Furthermore, advocates hold that young people are much more likely to take responsibility for harm done if they have a voice in repairing the harm, if the community is required to take responsibility for providing necessary support for young people, and if positive outcomes result from such accountability.

Restorative justice practitioners also argue that disruptive and violent behavior by juveniles presents both a danger and an opportunity. The danger is that all involved will emerge from the process further alienated, damaged, and disrespected, feeling less safe and less cooperative. The opportunity is that when injustice is recognized, empathy is practiced, and equality is restored through restitution, all participants feel safer, more respected, and more empowered.¹¹

8 Daniel Van Ness and Karen Heetderks Strong, *Restoring Justice* (Cincinnati, OH: Anderson Publishing, 1997).

9 Howard Zehr, *Changing Lenses: A New Focus for Crime and Justice* (Scottsdale, PA: Herald, 1990).

10 Brenda Morrison, "The School System: Developing Its Capacity in the Regulation of a Civil Society," in *Restorative Justice and Civil Society*, ed. Heather Strang and John Braithwaite (Cambridge, UK: Cambridge University Press, 2001), 195-210; Ron Claassen and Roxanne Claassen, *Discipline That Restores: Strategies to Create Respect, Cooperation, and Responsibility in the Classroom* (North Charleston, SC: BookSurge, 2008).

11 Sunny Schwartz, Michael Hennessey, and Leslie Levitas, "Restorative Justice and the Transformation of Jails: An Urban Sheriff's Case Study in Reducing Violence," *Police Practice and Research* 4 (2003): 399-410; Ron Claassen and Roxanne Claassen, *Discipline That Restores: Strategies to Create Respect, Cooperation, and Responsibility in the Classroom* (North Charleston, SC: BookSurge, 2008).

Although restorative justice can be practiced in many ways, it has important unifying beliefs and practices. The reparation of harm and the strengthening of relationships within a community are core beliefs. Through restorative practices, those harmed and those who committed harm come together in a structured process where they can present their understanding of what happened, why they acted as they did, and what can be done to remedy the situation. The desired outcome is strengthened relationships among those affected and reduced possibilities for future harm to occur.

Zero-tolerance policies and the school-to-prison pipeline

Zero-tolerance disciplinary policies mandate suspensions and expulsions for an ever-widening range of student misbehavior.¹² Under zero-tolerance policies, behaviors such as schoolyard fights without weapons, possession of alcohol or tobacco, dress code violations, the use of obscenity or vulgarity, defiance of authority, and disruptive activities result in suspension or expulsion from school.¹³ Even kindergartners have been suspended for minor offenses, such as bringing paper clips, toy guns, and cough drops to schools.¹⁴ Such punitive responses lead not only to youth being removed from the learning environment, but also to increased opportunities to get into trouble, particularly when parents or guardians have no

alternative but to leave youth unsupervised while they are at their workplaces. Otherwise trivial offenses that would have previously warranted a visit to the principal's office or a call to the student's parent or guardian now may result in referrals to the juvenile or adult criminal system. Proponents of zero tolerance argue that suspensions and expulsions remove misbehaving students from the classroom, deter other students from misbehaving, and thereby improve the learning environment for well-behaved students. Yet, in the two decades since the implementation of zero-tolerance policies, no research has found that suspending or expelling misbehaving students for mundane and non-violent misbehavior improves school safety or student behavior.¹⁵ Instead, suspensions and expulsions reduce students' opportunity to learn, increase risk for incarceration, and diminish lifetime opportunities.¹⁶ The progression from the schools to the juvenile system and finally to the criminal justice system is known as the school-to-prison pipeline.

Though zero-tolerance policies have resulted in substantial increases in student suspensions and expulsions for students of all races, African American and Hispanic/Latino youth are disproportionately impacted by zero-tolerance approaches.¹⁷ For example, the disparity in suspension rates between African American and White students jumped by more than 50 percent after zero-tolerance policies were adopted.¹⁸

12 Jonathan Simon, *Governing Through Crime: How the War on Crime Transformed American Democracy* (Oxford: Oxford University Press, 2007); Cherry Henault, "Zero Tolerance in Schools," *Journal of Law and Education* 30 (2001): 547-553.

13 Christina L. Anderson, "Jeopardy: The Modern Dilemma for Juvenile Justice," *University of Pennsylvania Law Review* 152, no. 3 (2004): 1181-1219; California Education Code Sec. 48901(a) and 48900(a-q); California Department of Education, Education Options Office, Expulsion Information.

14 Russell J. Skiba and Reece Peerson, "The Dark Side of Zero Tolerance: Can Punishment Lead to Safe Schools?," *Phi Delta Kappan* 80, no. 5 (1999): 372-382.

15 American Psychological Association Zero Tolerance Task Force, "Are Zero Tolerance Policies Effective in the Schools? An Evidentiary Review and Recommendations," *American Psychologist* 63 (2008): 852-862.

16 Johanna Wald and Daniel Losen, "Defining and Redirecting a School-to-Prison Pipeline," *New Directions for Youth Development* 99 (Fall, 2003): 9-14.

17 Daniel J. Losen and Russell J. Skiba, "Suspended Education: Urban Middle Schools in Crisis" (Southern Poverty Law Center, September, 2010), http://www.splcenter.org/sites/default/files/downloads/publication/Suspended_Education.pdf (accessed September 30, 2010).

There is no indication, however, that the higher rates of suspensions and expulsions for students of color are due to higher rates of misbehavior.¹⁹ Within schools, youth of color “are, in fact, disciplined more frequently and severely for less serious and more subjective offenses, such as ‘defiance of authority’ or ‘disrespect’ than their White peers.”²⁰ Furthermore, and in part as a result of zero tolerance, the progression from school to prison has been documented to occur at higher rates for youth of color.²¹

Because of its emphasis on respect, accountability, repair of harm, and restoration of the community rather than on punishment and exclusion, some schools have begun to substitute school-based restorative justice in place of zero-tolerance policies. Where zero-tolerance policies treat disruptive conduct as a reason to suspend or expel a student, restorative justice treats conflict and disruptive behavior as an opportunity for accountability and for correction of the root causes of inappropriate, delinquent, or criminal behavior. Where zero-tolerance policies overlook the victims of harm, restorative justice requires those who harmed to stand accountable to those they directly harm, to their communities, and even to themselves. Where zero-tolerance policies sever relationships, restorative justice works to strengthen relationships. By eliminating contact

with the juvenile system for all but the most serious behaviors, by reducing suspensions and expulsions, and by giving students a way to de-escalate and avoid harmful situations, restorative justice programs in schools, and particularly in schools that serve youth of color, have the potential to dismantle the school-to-prison pipeline.

West Oakland and Cole Middle School

Cole Middle School is located in the northwest corner of Oakland, California in a neighborhood known as West Oakland. West Oakland has a proud history dating back to at least the 1880s when it was a thriving neighborhood at the end of the transcontinental railroad. During World War II, the African American population grew as a result of war industry jobs and residential segregation. More recently, the loss of industrial jobs has led to more poverty while at the same time ethnic diversity has increased. The neighborhood has long housed a number of prominent, primarily African American political, musical, and cultural organizations over the past century, including the Brotherhood of Sleeping Car Porters, a thriving jazz scene, and the headquarters of the Black Panthers. More details are presented in Appendix B.

18 Johanna Wald and Daniel J. Losen, “Defining and Redirecting a School-to-Prison Pipeline,” in *New Directions for Youth Development* 99 (Fall 2003): 9-14.

19 As summarized by Russell J. Skiba, and Reece L. Peterson, “School Discipline at a Crossroads: From Zero Tolerance to Early Response,” *Exceptional Children* 66, no. 3 (2000): 335-347.

20 Russel J. Skiba and M. Karega Rausch, “Zero Tolerance, Suspension, and Expulsion: Questions of Equity and Effectiveness”, in *Handbook of Classroom Management: Research, Practice, and Contemporary Issues*, ed. Carolyn M. Evertson and Carol S. Weinstein (Mahwah, NJ: Lawrence Erlbaum Associates, 2006): 1063-1089; Johanna Wald, “The Failure of Zero Tolerance,” *Salon* (August 29, 2001).

21 Sean Nicholson-Crotty, Zachary Birchmeier, and David Valentine, “Exploring the Impact of School Discipline on Racial Disproportion in the Juvenile Justice System,” *Social Science Quarterly* 90 (2009): 1004-1018; Carl E. Pope and William Feyerherm, *Minorities and the Juvenile Justice System: Research Summary* (Washington, DC, Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice, 1995).

In 2000, West Oakland demographics were 53 percent African American, 13 percent Hispanic/Latino, 28 percent Asian/Pacific Islander and 14 percent White.²² Twenty-nine percent of West Oakland households had incomes below \$10,000 and 67 percent earned less than \$35,000. Thirty-six percent of households with children under the age of eighteen earned less than the federal poverty level.

Cole Middle School's student body in 2008 was 63 percent African American, 15 percent Hispanic/Latino, 13 percent Asian/Pacific Islander, zero percent White, and 9 percent multiple races or ethnicities. Nineteen percent were English language learners. Eighty-five percent were receiving free or reduced-cost meals.

²² For these figures, the 94607 zip code was used. The year 2000 is the most current data available from the U.S. Census Bureau. All census figures as reported in Elizabeth Burr, Kathryn Hopkins and Rebecca Wolfe, *Services for Youth in West Oakland: Understanding Local Community-Based Organizations*, (Gardner Center for Youth and Their Communities, May 2006), http://gardnercenter.stanford.edu/docs/FINAL_FINAL_CBO%20Survey.pdf (accessed September 30, 2010).

Implementing Restorative Justice at Cole Middle School

In this section, we document the origins and implementation of the restorative justice program at Cole Middle School, as well as the community's perceptions of the program and its effectiveness.

In 2005, Cole's principal and a disciplinary case manager became disillusioned with traditional discipline policies which they believed were detrimental both to the students and to the school's culture. After discussions with teachers and staff about how to implement a restorative justice program at Cole, the school petitioned the Oakland Unified School District (OUSD) and received permission to begin a pilot restorative justice program. A local nonprofit restorative justice organization, Restorative Justice for Oakland Youth (RJOY), contributed its expertise in developing the program.

To establish a restorative justice culture at the school, all teachers and staff took part in the initial training sessions. At first, students were only involved as participants in disciplinary circles. As teachers and staff learned more about restorative justice, they extended its philosophy and methodology to non-disciplinary community building activities. One year after the onset of the pilot program, OUSD expanded its support by authorizing the disciplinary case manager to devote her work time to implementing the program more broadly.

Restorative justice became the primary discipline program at the school beginning in 2007. The disciplinary case manager worked full-time on restorative justice as an RJOY employee after applying for and receiving funding from the City of Oakland. Teachers and staff continued to receive training, and the use of restorative justice for discipline and building community expanded to involve an increasing number of students and

parents. Twenty-five students took an elective restorative justice class offered to all seventh graders and to some eighth graders.

In the school year beginning in 2008, a second restorative justice leader joined the program, volunteering at first and later receiving a stipend. During this time, most of the staff attended training sessions and participated in circles, but restorative justice leaders and those who were enthusiastic about the program were the most involved. In addition, about eight students participated in an elective group that learned more about restorative justice and how to lead circles; they volunteered at a nearby elementary school to help the students with conflicts during lunch and recess.

While restorative justice was being implemented, the school was gradually closing because of declining enrollment. In 2006, no new sixth graders were admitted to take the place of the graduating eighth grade students. The 2007 school year saw a seventh grade and a single eighth grade class. By 2008, Cole's last year, only the eighth grade class remained. In 2006, 2007, and 2008, Cole's enrollment was 225, 152, and 75, respectively. The declining number of students and staff necessarily decreased the number of participants in Cole's restorative justice program.

Restorative justice practices used at Cole

Cole incorporated many commonly used elements of restorative justice, including the circle, shared values, and circle keepers. Restorative circles involved participants (students, teachers, staff, and sometimes others) literally sitting in a circle, with a circle keeper to guide the process. This person did not act as a judge in the proceedings; instead, the circle keeper ensured that everyone had an opportunity to speak, that the process was respected, and that everyone abided by the agreed upon values.

At Cole, values were developed to guide behavior for the entire school, one classroom, or just one circle. Many of these shared values, such as respect, empathy, and compromise, were fundamental to the entire school. Other guidelines, such as respecting the talking piece, were specific to the restorative justice process. Still others, such as not interrupting a person who was talking, were also agreed upon and used when needed. Some of these values were posted in classrooms and other places throughout the school. Shared values formed the basis of agreements between all participants. Agreements were sometimes modified if a breakdown in the restorative process occurred.

In the following example from an observation, a student's mother called for a circle to discuss a case of alleged bullying. At first, several people talked at the same time, in part because they were encouraging a silent girl to speak. The circle keeper stopped the conversation and asked participants to develop values to guide the circle. The values were simple, but provided a framework to permit all parties to talk and be heard. Because the people in the circle developed the values themselves, the expectation was that they would honor them.

[The Circle keeper] asked each girl to come up with an agreement that would help the meeting proceed smoothly. The girls and their guardians created the following list:

- Listen to one another
- Respect one another
- Don't talk while others are talking
- Talk and contribute to the conversation

These values could be called upon both within the circle and outside of it. In the following observation, a restorative justice leader uses the agreements to prompt a student to admit to cursing.²³

Restorative Justice Leader: "I will call [the teacher] and ask. You have a chance now to be honest. Remember the agreements."

Student: "Ok, I [did] it, but it's only by accident."

Cole held circles in the morning advisory period (the first session of the school day), regularly in some classrooms, and also when situations arose that demanded them. Circles were held to build community, to deal with events affecting the school, and to address disciplinary infractions. Circles could be called by a teacher or other staff member, by the restorative justice leaders, and by the students themselves. The circle keeper usually was an adult, typically a restorative justice leader, teacher, or administrator. As the year progressed, students who had participated in the restorative justice class, or had received extra restorative justice training, took on the role of circle keeper.

²³ Note throughout the text, we use leader to refer to an adult with responsibility for the implementation of the restorative justice program. We use keeper to refer to the person with responsibility for a particular circle. Leaders often assumed the role of circle keeper, but others did as well.

In the circle, only one person was to speak at a time; an item designated as a talking piece, such as a stone or a highlighter, indicated who could talk. Members passed the talking piece around the circle and each member had a chance to speak when the piece reached him or her. When it was not their turn, participants were asked to remain silent and not respond, while paying attention to whomever was speaking. The circle keeper encouraged participants to speak when the talking piece reached them, but they could also choose to pass. In practice at Cole, the circle keeper or participating school personnel discouraged students from not speaking and even disallowed it on occasion.

The circles sometimes began and closed with a ceremony, such as poetry, to denote the time within the circle as separate from the time outside. During the circle, members had the opportunity to tell their piece of a story. At the beginning or at the ending of a circle, participants spoke of appreciations, things for which they were grateful; sometimes they named what had happened during the course of the circle and sometimes they spoke about a person or event outside the circle.

For circles prompted by a specific incident, typically disciplinary, participants presented their perspectives and attempted to reach a common understanding about what had happened, why it had occurred, and what would repair the harm. Participants would promise, for example, to change their attitude or behavior. Often, participants promised to apologize either in person or in writing. Students also agreed to avoid the behaviors that sparked the conflict or to help a teacher with chores or other activities. If agreements were not kept, additional circles were held or the problem was addressed through traditional disciplinary policies.

In the following example, the conflict is between a student and teacher after the student was perceived as being deliberately slow to follow directions.

Circle Keeper: “We have two feelings out here. [Teacher], you said you were disrespected by [student’s] actions, and [student], you were disrespected by the lack of action and [teacher] not taking the time to explain things. But I’m not hearing you two acknowledge each other’s feelings. So this is more about moving towards showing accountability.”

Student: “I apologize if you felt disrespected for not (she stumbled to find the right words), but yeah, that’s it.”

Teacher: “I will take the time to come individually to you. The way you looked at me...if coming face-to-face with you will help, then that’s what I’ll do.”

Circle keeper: “Maybe we can make some agreements, and formalize them for the future?”

Teacher: “Going directly to you and talking face-to-face.”

Student: “Trying to do things faster.”

The example illustrates typical circle processes. Each person presents his or her perspective on the actions that led to the circle, each person better understands the other’s position, and each person takes responsibility for acting in ways that will reduce the likelihood of future problems.

A restorative justice leader or teacher sometimes prepared for the circle by talking to each participant individually or in a small group. He or she would acquire information about what had occurred, obtain agreement on the need for a circle, and find out who should be included.

The following example demonstrates both a circle of support and a circle to prepare for a later circle. The two students involved had been on a school trip to another school where a staff member at that school spoke rudely to them.

Circle Keeper: “Now today, we’re going to do something different based on these statements. This is a support circle for you. (Turning to student 1) Can you tell me how you felt?”

Student 1: “I didn’t feel nothin.”

Student 2: “I felt like a man shouldn’t talk to a thirteen-year-old like that.”

The students and keeper continued their conversation about the incident, with students discussing what they themselves should have done differently, along with their feelings. The keeper probed for what resolution would be acceptable to them, beyond an apology. The students, with no input from the keeper, decided that they wanted the staff member to take them out to lunch, a solution that would give them the opportunity to re-establish a friendly relationship.

At Cole, the size of the circle was governed by the individual circumstances of the conflict, dispute, behavior, or topic. Sometimes the circle was small, including only the circle keeper and two students, or a student and a teacher. Other times, other affected school community members were invited to join the circle, though who counted as affected was different in each case. For example, a circle might be expanded to include others who were indirectly involved, or to include friends, colleagues, and family members of a student or teacher involved. For particularly serious events, the affected community might also include the parents of students, the entire school, or even other

West Oakland community members. In general, more serious events, such as those that involved physical violence or the potential for physical violence, necessitated larger circles.

Students who committed disciplinary infractions had the option of declining to use restorative justice and instead face the sanctions of the traditional discipline model. Sometimes, students were not given that option, and the traditional disciplinary model was used first. However, restorative justice was always offered as an option to repair harm and reintegrate the student into the Cole community and the classroom after traditional disciplinary actions such as suspensions had taken place.

Restorative justice at Cole addressed multiple concerns

The Cole community used restorative justice to resolve and even to avoid conflict and other disciplinary issues. Sometimes, either students or adults would seek out a restorative justice leader on their own initiative to schedule a circle when they believed that a dispute was imminent.

A frequent reason for holding a circle was “disrespect” of teachers by students, a typical behavior of adolescents.²⁴ In some cases, student behavior was clearly disrespectful, as when a student swore or called a teacher “girl.” Other incidents were more subtle, such as when a student was slow to follow directions, laughed at a joke long after the rest of the class, or disagreed with a teacher.

24 Sacha M. Coupet, “What To Do With the Sheep in Wolf’s Clothing: The Role of Rhetoric and Reality About Youth Offenders in the Constructive Dismantling of the Juvenile Justice System,” *University of Pennsylvania Law Review* 148 (April 2000): 1303–1346.

Student: “Yeah, one of my friends got into an argument with a teacher and after they helped with the meetings and stuff, they were good friends again; they were back like they were. I think they just needed to talk about their problems and feelings and stuff.”

Circles were used to deal with the typical issues of teenagers as well. Boyfriend/girlfriend disagreements and jealousy, play fighting and bullying, and smoking were all discussed in circles.

Circles sometimes revealed issues created by the racial, ethnic, and religious diversity of the Cole community. For example, one student only fought with students from a specific ethnic background. Another student taught an English-only speaker Cantonese swear words, which resulted in conflict when those words were later used. Some of these tensions were only discovered through restorative practices; students and adults then had a chance to further explore these tensions. For example, a restorative justice circle revealed why a fight was planned to take place in the girls’ bathroom. It was not, as first assumed, to escape adult eyes. Rather, one of the participants was Muslim; she was afraid her head scarf would slip off during the fight and wanted to avoid the possibility of any males seeing her.

Restorative justice was also used for non-disciplinary reasons. Some circles emphasized community building within the school. For much of the school year, each day started with a circle during the morning advisory period. The entire student body typically was present, as well as the principal, teachers, and restorative justice leaders. Adults intended these sessions to foster community at the school, to increase awareness of issues that might affect students that day, and to share the responsibility of getting ready for the day with students. These circles followed the

basic aims of restorative justice, such as respect and relationship building, but did not follow other key restorative justice principles, such as equal voice for all participants.

Some teachers used circles to introduce their lesson plans in the classroom, creating a way to focus students and to better understand difficulties the students might have in concentrating on the actual class work. Teachers also used circles as bridges to more formal teaching, using them to discuss both routine and high-profile events, such as the election of Barack Obama. Students shared their opinions and reactions; this sometimes led to traditional academic classroom exercises such as writing assignments.

Student: “It helped me know how our friends feel, how our teachers feel, and know more. Like every day our class circle, we talk about how we feel, we have a check in, and we talk about some news that we learned, and interesting questions like what high school are you going to? We learn from each other every day.”

Both students and adults called for circles to help them navigate issues that troubled them. In one case, two African American eighth grade students in a U.S. history class called for a circle to discuss how painful it had been for them to be taught a section on American slavery by a White teacher. The teacher expressed that it was painful for her as well, and that she had struggled with how to teach the material. After discussion, the circle participants agreed that instead of focusing on American slavery alone, the subject would be presented as a part of a discussion on enslavement in different parts of the world, and include a module on the American Abolitionist movement. The teacher updated her lesson plan to always use this approach when discussing enslavement.

When the school was faced with violence, whether within the school or in the larger community, restorative justice served as a mechanism for students to reflect on what had happened. When this violence involved fights among students, restorative justice permitted students to uncover the reasons for their actions and work on ways to limit further occurrences.

Student: “Because normally when I get into a conflict, my instinct is to fight. But restorative justice kinda taught me to calm down a bit, taught me to talk it out.”

Adults also noticed a change in students.

Teacher/Staff: “The first layer is dealing with actual violence. The second layer addresses students’ underlying feelings, and those particular feelings that drive students to fight. That gets students identifying those feelings and communicating about them.”

Violence that occurred outside of school was also discussed in circles, permitting students to deal with their mixed emotions, including concerns about their own safety. Within the circle, students were able to reflect on the implications of these events and deal with their own fear and anger about violence in their community.

Relationships with the police were particularly fraught in this community; some of the most passionate circle discussions involved specific incidents such as the shootings of Oscar Grant²⁵ and Lovell Mixon.²⁶ The students’ own experiences, as well as community-held attitudes, influenced

their opinions about the legitimacy of the police, as well as their feelings about their own vulnerability to police actions. Because of the long history of conflicted relationships between the community and the police, students were afraid that the police would harm them or others in their community. Against this backdrop, the Cole community held complex and often conflicting views about which actions and actors were legitimate and which were illegitimate. This made discussions about what constituted harm more difficult, particularly against a backdrop where the entire community had been harmed by the actions of some police officers.

Restorative justice was viewed by some as a positive counter to the external violence in the community. In the following example, a student trained as a circle leader discusses restorative justice through this lens:

Student: “Actually the ones where you lead the circle, you actually take a leadership role over the circle, you actually help the students out, and in the circles, when you’re in it, you’re getting help, and you know that there’s people who want to help you and to be there for you and have your back. And then they’re the same because you’re in the circle, and you’re being part of something that is very rare in West Oakland, you’re being part of something that works, and needs to be fixed. And normally in West Oakland that doesn’t really happen. When people come together, it’s usually because a family member dies. People don’t normally come together and talk about their problems. They wanna fight, they wanna shoot, they wanna kill people. But

²⁵ Oscar Grant, an unarmed African American man, was fatally shot by a White police officer at the Fruitvale Bay Area Rapid Transit (BART) station on January 1, 2009. The BART Police had come to the Fruitvale BART station in response to a report of a fight on a train. Upon arriving at the train station, police officers began to round up African American men, including Mr. Grant, who had not been fighting. Several police officers forced Mr. Grant to the floor of the subway platform. While Mr. Grant was lying face down with his hands behind his back, one of the officers pulled out his gun and shot him in the back. Several witnesses videotaped the incident. The officer first claimed that he thought Mr. Grant had a gun. Later the police officer changed his story to say that he mistakenly reached for his gun rather than his taser. On July 8th, 2010, a jury found BART police officer Johannes Mehserle guilty of involuntary manslaughter.

²⁶ Lovelle Mixon was an African American Oakland resident who, during a traffic stop and subsequent pursuit, shot five police officers, killing four of them. Later the same day, police officers killed him after they found him hiding in a relative’s home.

restorative justice helps people even if you're in the circle or you're doing a leadership role. But either side, you're getting the experience of what happens, and what needs to be fixed."

The immediacy of violence was highlighted during an incident in the fall of 2008 when a new student brought a gun into the classroom which accidentally discharged. No one was injured, but the students, their parents, and teachers were shaken. The school held circles for students and adults during school hours and hosted an after-school event that drew a large number of students and concerned family members. A number of restorative justice procedures were used during the after-school event, including participants sitting in a circle and using a talking piece. Students, their parents, and school administrators appreciated the event, which helped some attendees come to terms with their feelings and feel safer. However, the event raised expectations and some attendees were disappointed by what they felt was insufficient follow-up communication and inadequate changes in school policy to prevent future incidents at the school. Overall, though, teachers and students appreciated the event and parents were glad to be included in the process.

Student and teacher perceptions of the restorative justice program

Many students, teachers, and staff found benefits to the restorative justice process and willingly participated for this reason. One teacher's observation summarized a common sentiment:

Teacher: "I've seen many students initiate, participate in, and buy in to the effectiveness of restorative justice circles when those students do not typically just buy-in to anything."

Some students felt that restorative justice strengthened the feelings of community at the school, helping them to better understand and deal with one another. In the following example, a student comments on how restorative justice led to understanding the difficulties another student was experiencing and, in turn, fostered a more respectful relationship between them.

Student: "He (another student) takes a lot of pressure every day. When he was at home, his father like doesn't treat him nicely and call him like punk and he has a lot of pressure at home. And when he came to school, all the people in the school was like bullying him and doesn't like him and left him and make fun of him and kick him—just treat him like not a human being. Very disrespectful. When he goes to class, he always does something that makes the teacher yell at him. Lots of pressure going on.... And now, we change[d]...the way we treated [him], cuz we know how he feels and we know we didn't do it right, so we respect him."

Many students and teachers felt the atmosphere at Cole was more peaceful, with fewer fights among students and better behavior in the classroom, relative to earlier years. Some teachers believed that there were fewer instances of harmful behavior at the school, such as students acting out in the classroom or showing disrespect, because of restorative justice. Some argued that the decline in conflict was more a function of time—the school was smaller, the students knew one another better, and fewer new students were jockeying to establish their place in the school. Others, however, directly attributed the decline in conflict to the restorative justice process.

Some students reported that the circles permitted classmates to express feelings, thus preventing conflicts that might otherwise occur.

The opportunity to talk through conflicts with others in the circle also helped to re-establish friendships after fights. One student summarized:

Student: “I think they get along better. I think with the fights—like if it wasn’t restorative justice so they could pour out how they feel and what all happened, I think it would have been—like those people would have been getting into fights all year until they got kicked out of the school and separated.”

The teachers, administrators, and staff who were enthusiastic about restorative justice appeared to embrace it wholeheartedly. These teachers believed that the restorative process was better suited to the educational process than the traditional discipline model. Rather than punitive measures, typically suspension, which removed the student from the learning environment, they now had a methodology that focused on the young person’s personal growth and ability to learn from their mistakes.

Teacher/Staff: “The difference between the [traditional disciplinary and restorative measures] is that this school site, the students are really used to talking and processing. And so it gives me—many times, it’ll give me more of the ability to redirect behavior through assisting them with processing through things; as opposed to where in some of the other sites that I’m familiar with, you know there’s a lot of more consequence-based stuff—where it kind of just shuts down the processing part for the student, because then they just have to become angrier; or they just have to go home.”

In this way, restorative justice fits well into a school environment where helping students mature and gain social skills, as well as master academic subjects, is emphasized. Restorative justice compels students, sometimes reluctantly, to confront the consequences of their actions and focus on their feelings. Restorative justice at Cole thus gave teachers a structure to help students reflect on and learn from their actions and its consequences.

Students became aware that the circle process gave them time to think, which enabled them to avoid situations or interactions that could lead to trouble. At first, this realization happened only in circles. Later, some students began asking for circles before things escalated.

Teacher/Staff: “I have seen inside two kids who were just taunting each other all day long and one came in and said, ‘Help me. I don’t know what to do because with the restorative justice system it’s my responsibility to see what I can do to talk to an adult.’ I’ve seen that restorative justice is a format that can definitely work for the kids.”

Eventually, some students were able to apply what they had learned in circles to de-escalate situations. One student reflected on this change:

Student: “Cuz like, I’m not mean or anything. But at first, I used to always have an attitude with people when they’d say something. But now, I’m more patient and calm when they talk or if they have something to say.”

Both teachers and students appreciated the chance to better know one another outside of their respective roles of “teacher” or “student” and to be seen as individuals.

Teacher/Staff: “Circles have allowed me to be who I am, rather than just a title. I can be compassionate, a listener, rather than just a title of consequence and power.”

Restorative justice provided a context that facilitated learning about one another's backgrounds and experiences in an environment that was more personal than a classroom. One teacher, for example, talked in the circle about the amount of time she spent outside the classroom preparing for classes. Students were surprised. They seemed unaware of the extent of the teacher's care for them and her dedication to their education. In another example, students evidenced great interest in the saga of a restorative justice leader's stolen bike. Perhaps most importantly, the circle permitted students to see conflict from the teachers' perspectives.

Student: "I guess that was ok. Because [teacher], she been trying to do her part and be in the circle with the kids that she be having troubles with. And I think that's helping her out and it's helping the kid out too. Because [teacher] is being able to pour out her feelings and so is the student."

Teachers also learned about some of the issues their students were facing outside of school, such as worrying about an ill relative, witnessing violence, or facing pressure from friends or relatives. This new awareness helped teachers better understand the causes of classroom misbehavior and not regard it simply as a personal challenge to their authority. Even when a definitive cause for a student's behavior did not emerge through the restorative process, teachers were more likely to place the behavior in a larger context.

Teacher/Staff: "I start remembering that there's probably a hidden reason why somebody has done something. I don't take the things that used to happen to me as personally."

Students in the circle were able to relate their perspectives and be heard. They could directly talk to the teacher, other adults, and students in a forum where they could express what they felt and be taken seriously. A student could say,

for example, that she did not understand why a particular behavior or form of dress was perceived as disrespectful and expect a thoughtful answer rather than a preemptive conclusion.

Parent perceptions of the restorative justice program

Parental involvement in restorative justice at Cole was generally minimal. Parents whose children had disciplinary problems were the most involved, but that contact lessened as the adolescent's behavior changed. These parents appreciated the chance to be more involved in understanding the roots of their children's misbehavior and in helping to come up with solutions. Some also mentioned they preferred restorative justice to traditional disciplinary measures such as suspensions because a suspended student had the potential to get into more trouble as he or she would be unsupervised at home when the parent was at work.

A number of parents mentioned how the restorative justice process brought them into the school early on, kept them informed, and created a partnership to deal with the issues confronting their children. Because restorative justice allowed her to hear all sides of the story, one parent was able to work with her son to avoid future misbehavior and consequent punishment:

Parent: "It was the first time I ever sat in on something like that and I was very pleased with it. In the meeting, I was able not only to hear my son's side of the story, but I was able to hear the other students' that were involved side of the story. So for my child I knew how to decide whether he was telling the truth and at the same time I was able to hear the whole story. And he didn't just come home suspended and I had to just discipline him for being suspended not knowing the whole grounds. By me being

in the meeting, hearing both sides, how it got started, it let me know exactly what went wrong and what I could do to prevent it myself from happening next time. I really feel that my son got the same thing out of that meeting.”

A small number of parents received restorative justice trainings, often in one-day or weekend workshops, and spoke positively about it. However, none of the interviewed parents mentioned implementing the training beyond their interactions with the school.

Student engagement with restorative justice at Cole

Many students appreciated the changes brought about by restorative justice and felt that it helped them better manage situations that could lead to conflict.

Student: “But now I see with restorative justice, it’s like, ‘what’s the point of fighting, you can just talk it out and deal with your problems instead of fighting.’”

Students would sometimes request circles to deal with particular problems, and a number of students took this even further and used restorative justice on their own.

Interviewer: “So what were the circles that you’ve been in?”

Student: “It’s like our friends we were having some misunderstandings and we just like don’t talk to each other and we need a way to solve it so we just planning to have a circle and then we call all our friends that was involved in it. And we just sit outside, make a circle, and get out a talking piece and we start talking about what did we do wrong, what should we change, we apologize to each other. And then problem solved, we friends again.”

A few students even used restorative justice outside the school. One student encouraged her family to use restorative justice, joining the process as the circle keeper:

Student: “At my house. I do it [restorative justice] with my sisters: I sure do use a talking piece! I also did it with my mom and my aunt. Me and my cousin made them sit down and made them talk. (Her aunt threw something away that belonged to her mom and her mom got mad). I told my aunt that she needs to tell somebody before throwing away stuff.”

Another student encouraged a friend who did not go to Cole to use restorative justice. The friend, initially unsure, eventually introduced the practice to her family.

Interviewer: “Was there ever a time when you encouraged other people to use restorative justice when they weren’t thinking of using it?”

Student: “Yeah, I have one friend last year. But she didn’t go here. She said she used to always get in fights, and she used to have family problems at home. And I told her she ‘just have a circle with me. Just one-on-one. We’ll talk. You can tell me about your problems. And you can cry if you want to. Just let your feelings out, just speak your mind, just let ‘em out. It’s not good to hold your feelings in, because that will make it even worse.’ So I introduced her to restorative justice and a little bit of conflict mediation. And then we had a one-on-one circle and she told me that it really helped her, and helped her handle her family problems. And she told me that it wasn’t really a circle, but she had her and her family talk it out. She told her mom about it, and her mom suggested that the family should get together and try it. She told me, ‘yeah, we tried it, and it was good.’ And now it’s all good.”

For students who embraced restorative justice, the restorative process was usually a respected and meaningful experience. However, some students did not support restorative justice and used it only when required at school. Some participated respectfully but not enthusiastically. Others exhibited disrespectful behavior during the circle, talking over others, giving responses that indicated they did not take the circle seriously, and sometimes throwing the talking piece. These behaviors, while not atypical for youth of this age, still hindered the restorative process. For these students, the restorative outcomes were not always honest experiences, and apologies were sometimes insincere and ritualistic.

Student: “I remember last year I had to write an apology letter, and I didn’t mean not one word in the letter.”

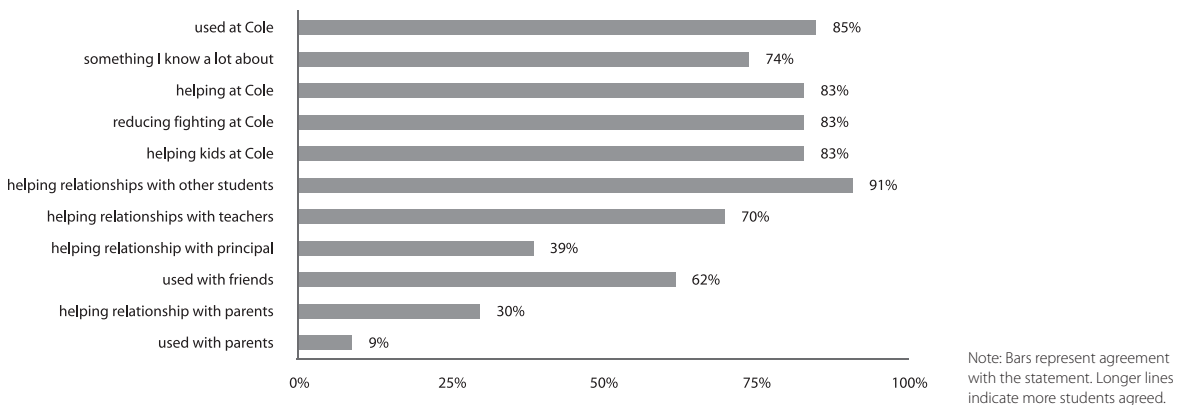
In a questionnaire given at the end of the 2008 school year, students reported on their knowledge about and use of restorative justice and assessed how restorative justice had affected their relationships and the larger school climate. The students rated each item in the questionnaire as “very true,” “sort

of true,” “not too true,” and “not true at all.” The following discussion combines the answers of students who selected “very true” or “sort of true.”

Figure 1 shows that the vast majority of students agreed that restorative justice was being used at Cole Middle School, with 85 percent of students, on average, agreeing with the sentiment; most agreed strongly, saying it was “very true.” Furthermore, on average, 74 percent of students said they knew a lot about restorative justice.²⁷

Most of the students thought restorative justice was helping things at Cole. On average, 83 percent of students believed restorative justice was helping at Cole and 83 percent also said restorative justice was reducing fighting at Cole. However, most students said this was only “sort of true.” Almost all students agreed that restorative justice was helping relationships with other students at Cole Middle School, with 91 percent agreeing that it was helping their relationships with other students and 83 percent agreeing that restorative justice was helping young people, in general, get along at Cole. However, support was

Figure 1.
Student perceptions of the impact of Cole’s restorative justice program



²⁷ Note that when we say “on average” in discussion of questionnaire results, we have averaged together the responses to several similar questions.

again mild, with most students saying it was only “sort of true.”

Slightly more than half of the students reported using restorative justice with friends, with 62 percent on average agreeing that they used restorative justice with friends. However, it is likely that the students were commenting on friends who were also at Cole, and thus required to participate in restorative justice.

Students thought restorative justice had a more limited impact with adults. Students generally felt restorative justice helped relationships with teachers, with 70 percent agreeing. However, only 39 percent felt it helped their relationship with the principal. Students overwhelmingly said that restorative justice training did not transfer to their involvement with parents. Only 9 percent said they used restorative justice with their parents. However, 30 percent said it had helped relationships with their parents.

Considerations for Schools Wishing to Implement Restorative Justice

Schools considering implementing a restorative justice program as an alternative to zero-tolerance policies can learn from the Cole experience. The following section presents lessons learned from Cole that can help guide a successful school-based restorative justice program.

Be prepared to invest time and energy, particularly during the initial phases

Cole was able to integrate restorative justice into its daily routines only through the commitment of significant time and effort. The amount of staff time, instructional minutes, and other resources dedicated to restorative justice will vary by the size of the school, the type and number of issues, and the extent to which teachers, staff, and students are receptive to the program.

As with all programs that seek to change organizational culture, the largest commitment of resources is required at the outset of the program. In implementing restorative justice, the primary resource that is required is time. For example, the time to prepare for and run a circle can take longer than simply writing a slip to refer a student to the principal or to suspend a student. However, proponents believe this extra time is well spent. Since restorative justice practices work to improve relationships and identify and prevent potentially disruptive behavior, restorative justice advocates hold that problematic behavior will decline, thereby reducing the time and money spent handling disciplinary problems.

Teacher/Staff: “At first, I felt that I did not have time to do restorative justice, but now I feel like I don’t have time not to do it.”

Some teachers expressed concern that time spent on restorative justice activities took away from time spent on instruction. Others believed if restorative justice were not used, disciplinary issues would consume even more time at a later date.

Teacher/Staff: “I think the only shortfall with restorative justice is that it takes time and it isn’t always implemented correctly. It’s a whole way of thinking, or at least a whole way of doing things. It’s not just circle practice. It’s time consuming. That’s the biggest downfall I see. It takes a long time to implement, but that’s okay. During the day, you wanna stop, and you wanna do circles, it’s not quickly writing a referral and getting it dealt with. It is, even if you send a student out, the idea is that you’re gonna have to go back and deal with it on another day.”

Furthermore, those who used and advocated for restorative justice believed that the time spent on such practices enhanced the educational process. They felt that community building circles at the beginning of the day and at the start of some classes helped students to be ready to learn and to focus during later instruction. Teachers also felt that through the circles they learned about issues that might affect the classroom.

Teacher/Staff: “It’s usually pretty effective in kind of calming the students down, getting them prepared, clarifying the expectations for the classroom. And if there are students that are having trouble that day, that becomes pretty apparent. If it’s just a few individuals, it gives us an opportunity to be like OK these students need some extra help in participating in the classroom.”

Be clear on the purpose of restorative activities and avoid overuse

When restorative justice is institutionalized as part of school routine, students are exposed to it on a daily basis. However, the repeated use of restorative justice, sometimes more than once a day, may inure participants to the process. Fatigue can arise, as what might be an eye-opening experience at first can become rote over time.

At Cole, some students and teachers believed that restorative justice was used for problems that did not merit a circle. As one student said:

Student: “You have RJ over the dumbest things. I remember one time, they said they were going to try to put somebody in a circle for eating in class. What’s the whole point of having a circle for eating in class?”²⁸

Community building circles were run daily among the students and teachers at Cole. During these circles, check-ins occurred to make sure the students were ready for the day, and a variety of topics were discussed. When students perceived the discussion topic as of immediate relevance, they respected the circle process, enthusiastically participated, and emotionally engaged. Circles created to discuss issues related to students’ own and neighboring communities, especially the abundance of violence, engendered the most wholehearted involvement.

However, the daily use of circles increased the chance that topics would be presented in a way that did not engage the students. Although circle discussions of topics such as pop culture could generate interest, some students viewed such topics as a way to avoid more serious material. Students may have been unaware that some circles were being used to facilitate later learning, or that

non-traditional academic topics such as current music were being used to teach traditional skills. When students did not understand the greater purpose of circles, they were more likely to become disengaged, with a significant number saying the circles were “boring.” Some of these reactions can be explained by the students’ age. There are few, if any, disciplinary or community building programs that students will view as always engaging or exciting.

Gain support from those at the school

Although there were many strong supporters of restorative justice at Cole, not everyone believed in the program. Some parents and teachers assumed that more traditional discipline was the only way to ensure students would pay attention or learn the consequences of their actions. Some students were unsure of the benefits of restorative justice; they did not like the restorative process or believe that it made a difference in the school.

Student: “Cuz some people just don’t feel like sharing their mind. They are very like, rude and disrespect, they think the circle is nothing and they treat it very disrespectfully. They just don’t think it’s something important. They’re just like I don’t care, I don’t care like that.”

Uneven support among adults can negatively affect student perceptions of the value of school-based restorative justice. One way to balance varying levels of program support is to employ a strong advocate of school-based restorative justice at the school.

In addition, students new to the school and parents new to restorative justice must be quickly introduced to restorative justice principles; otherwise, they

²⁸ We should note that we do not know the larger context behind this circle and whether eating in class was a symptom of not following the instructions of the teacher.

might hinder the process, or simply feel left out. Cole arranged trainings for new parents, and when thirteen new students joined Cole at the beginning of a school year, the school held circles to help integrate them into the school.

Student: “It’s for welcoming [students] too. When someone comes to the school and we want to make them feel welcome. Like with [student names].”

Interviewer: “How did you guys welcome them in circle?”

Student: “We gave our names, said something about ourselves, and the new student said something too.”

Interviewer: “Do you think the new students appreciated that?”

Student: “I’d like it if I were a new student.”

Substitute teachers also need to be trained in restorative justice principles not only so they can participate in circles but also because it may help them become more quickly accepted by the students. This orientation may well assist substitutes to gain authority, as they are integrated into the classroom through the restorative process. However, the school must have personnel with the time and expertise to conduct the orientation.

Teacher/Staff using a circle to prepare a class for a substitute: “I want to talk about the week and use time to think about this week’s class, how we want to act in class and conduct ourselves. [Your teacher] will not be here as much. A substitute teacher will be here. I want to think of some goals, ideas for things we want to pay attention to in class. We can go around and talk about some challenges that come up when you have a sub, and how we’re gonna overcome them.”

Focus on the principles that inform the actual practices of restorative justice

Restorative justice is concerned not just with restorative outcomes, such as repairing harm, but also with the process used to attain these ends. Through the use of restorative justice, participants are humanized, feelings are explored and understood, and bonds and relationships are reinforced. However, participants can easily rely on the rituals of restorative justice, such as using a talking piece or sitting in a circle, without properly integrating the substantive principles that inform these practices, such as providing a safe environment for all participants to tell their stories.

At Cole, community building circles were sometimes ended by relatively minor outbursts, such as laughing inappropriately or failure to turn in homework. Circle keepers occasionally terminated discipline circles prematurely when students misbehaved, despite the circle keeper’s responsibility to refocus participants when a lack of respect is shown within the circle. Students noticed when adherence to restorative justice ideals was abandoned. Inconsistency in adhering to restorative justice values can weaken student support for relevant, appropriately guided circles.

Clarify when activities are fully restorative, partially restorative, or not part of the restorative justice program

At Cole, some activities were perceived as restorative justice but did not adhere to the restorative principles that guided disciplinary circles. For example, during the morning circle, students sat in a circle, but often with limited or no active involvement. Although these community building circles intentionally did not follow the guidelines set for disciplinary circles, students nevertheless expressed disappointment over their lack of voice in these circles.

Furthermore, other programs that focus on discipline, avoiding conflict, and improving relationships will likely be confused with restorative justice if they are operating at the school simultaneously. At Cole, students and parents sometimes confused restorative justice with a long-standing conflict mediation program that was different from restorative justice even though some of the principles and methods overlapped.

Inevitably, restorative justice will not always fully meet restorative ideals, which can color perceptions of its value. Those who do not know much about restorative justice might think that poorly implemented restorative justice is a fair representation of the practice, and will more likely come away with a negative impression of it.

Be prepared for changes in school culture due to the increased student responsibility and voice

In schools, teachers and other school personnel have authority over students. They determine how to teach, what grades to give, what behavior constitutes misbehavior, and how and when to discipline. Students often challenge the authority of the teacher. They may talk back, wear banned clothing, or simply follow instructions slowly. Teachers often respond rapidly in the classroom to what they perceive to be challenges to their authority, fearing that if they do not do so, behaviors will escalate.

The principles of restorative justice require more equal voices among participants, particularly within the circle. One teacher said restorative justice:

Teacher/Staff: "...makes peoples' voices equal, where teachers are equal to students. Those have been the most powerful circles."

However, in a school environment equality between young people and adults is not the norm. This power imbalance is carried into the circle. Adults typically lead the circle and judge whether participation is genuine. Still, restorative justice encourages a far greater equality than is usually found in the classroom. It is a place where teachers can admit when they are in the wrong, without threatening their authority.

Teacher/Staff: "I can't think of many incidents in my life where I've seen the teacher apologize to a student in front of like a bunch of kids staring at you, and admitting that you did something incorrectly, or you could have done it better. So I thought that was really powerful."

The tension between authority outside of the circle and increased equity within the circle can sometimes be difficult for both teachers and students. Some teachers worried that their decisions would be questioned by students in the circle.

Teacher/Staff: "And what I mean by afraid is the precedent it was setting—it looks like you're opening the door for every decision a teacher makes to be questioned by a child, and the teachers having to explain, constantly, the 'methods to their madness' to children. And I thought that was a bit problematic. Because now you're saying every decision I make, I have to go over with a kid. I thought that was a bit problematic, and there was a way that we'd have to tweak that because I'm like you're opening up a big door. So now you're saying I can argue with a kid about an executive decision within my classroom. And that was a bit—Yeah, that was a bit much for me."

Furthermore, students were aware that traditional power dynamics would be re-established once the circle had ended. At least one student stated that he could not be honest in the circle because it would make the teacher “mad” and he did not want to deal with the consequences outside of the circle.

At Cole, the power imbalance also revealed itself during the course of actual circles. At times, adults in the circle, whether or not they served as the circle keepers, would require students to pay attention to keep the circle productive. Although students were given a choice to revert to traditional discipline, school personnel sometimes presented this choice as a threat rather than an option. In other cases, students appeared mandated to continue with the restorative process.

The increased equity, however, holds great potential. The culture of restorative justice allows students to perceive adults as human beings who respect them, and not simply as authority figures. This can help students better understand the behavior of their teachers.

Teacher/Staff: “It comes first from how teachers are interacting with students, and there’s a level of respect that you can show. I think teachers oftentimes respect students, [but] there isn’t a vehicle to show that respect. There aren’t enough vehicles, and this is one vehicle where you can sit down and sort of put your powerful position aside, to put a position of power aside, and be in a safe environment for the teacher and the student because it’s an unsafe environment oftentimes because teachers feel, to put that power aside.”

Seeing teachers as human beings can also facilitate the student’s willingness to show advanced levels of maturity.

Student: “So you want me to not say anything when I see her in a bad mood.”

Adult: “Yes, even when you’re in the right. I know this is a hard thing. And I may be asking you to do something that you’re not ready to do.”

Increased equity may also make students more comfortable in revealing personal difficulties that they face. For example, a student might reveal that she or he is misbehaving because a family member is ill or in trouble.

Before undertaking a restorative justice program, teachers need to understand the consequences and benefits of giving students greater voice. Teachers need to decide, given their teaching philosophy, how they are going to respond to and incorporate the increased power of student voices that the equity of restorative justice requires.

Involve adults who understand adolescents and who respect community norms, values, and cultures present at the school

The restorative process at Cole was affected by who took the role of circle keeper. Effective keepers led circles that resolved problems, strengthened community, and created trust among the participants. However, keepers who lacked sufficient training, sensitivity to individuals and situations, and the ability to negotiate cultural differences created only negligible change or had the potential to inflict more harm than good.

An effective school-based restorative justice leader needs to understand adolescents and the issues that affect them. Difficulties at home can manifest as inappropriate behavior in the classroom.

A disagreement over who a boy likes can assume monumental importance. At the same time, an adult restorative justice leader should not think that the best way to interact with adolescents is to pretend to be one of them. An effective restorative justice leader should show empathy, maturity, and professionalism while handling the sometimes awkward exchanges of adolescents. This was exemplified by an adult circle keeper who was able to show empathy with girls in the circle while maintaining her perspective as an adult. In the circle, all of the girls were crying because they were fighting over a boy. The adult leader admitted that even grown women find this a difficult issue and sometimes cry and fight about it, too. Effective circle keepers are able to conduct focused discussions that do not pander to the students, while still being interesting enough to keep students engaged. Finding this balance requires sensitivity, as one adult discovered after being dissuaded by a more experienced leader from initiating a discussion of sex as a way to enliven the circle.

In many instances, restorative justice practitioners at Cole easily adapted to dynamics among circle participants by using a combination of preparation, improvisation, and humor. Effective circle leaders knew how to respond to unplanned, difficult topics such as a death, while creating an environment in which students felt safe in self-disclosure.

Successful restorative justice leaders must understand the community in which they are working. Some people commented on the importance of having someone from West Oakland lead the circles, though one much-respected leader was not from the neighborhood. At Cole, the leader needed to be sensitive to the issues of under-resourced communities with significant ethnic and racial diversity, and specifically with

the challenges affecting West Oakland. A number of people commented on the inherent danger of giving authority to a person who might be well-intentioned but insensitive to issues lurking behind conflicts. For example, long-standing tensions between a teacher and a parent may exist. Such tensions might not come up directly in a circle that is focused on the behavior of a student, but could cloud the behavior of the involved adults. A restorative justice leader who is a community member or is accepted by the community might know or be told of such a conflict ahead of time and take it into consideration.

Furthermore, effective restorative justice leaders must be consistent in their use of restorative principles. Effective leaders listen to what individuals say, address interpersonal conflict when it arises, and prohibit anyone (including themselves) from dominating the circle. When these principles are not adhered to, the use of restorative justice techniques, such as sitting in a circle, do not embody principles of restorative justice. Since the school environment does not always easily lend itself to the regular use of these ideals, this requirement of consistency can be as challenging as it is important.

Understand that relationship continuity is important to sustaining a school-based restorative justice program

In many ways, a school is an ideal environment for restorative justice. Many of the students and staff come with a shared history from interacting in school or in the neighborhood. Thus, they begin the restorative process with knowledge about one another and possibly even shared experiences, which can facilitate the restorative process. Additionally,

over the course of each school year, those involved can form a community to support circle activities and learn the methodology of restorative justice. This history of shared experiences creates a continuity, which is important when implementing restorative justice. For example, at Cole, students were distressed by even short-term absences of one of the restorative justice leaders, and spoke of missing her. They had learned to trust her, and thus missed being able to bring problems to her.

One model for restorative justice is to bring in outside volunteers to run circles. However, a tight-knit school community does not lend itself well to outsiders showing up sporadically. Volunteers need to commit themselves to regular contact, both in the number of hours per week and the weeks per year they spend in the school, in order to gain and deserve the trust of the students.

Involve adults who have a nuanced understanding of the larger community and acceptance by that community

Students at Cole faced issues and obstacles not unique to West Oakland, but certainly more pronounced there than in wealthier communities, including poverty, homelessness, crime, violence, and interactions with the criminal justice system. They also benefited from the strong sense of community found in much of the neighborhood. West Oakland is a community that contains relationships developed over generations, relationships that supported the restorative justice process through a sense of common interest, collective fate, and humanizing information needed to solve problems. However, these relationships could also cause problems when external, long-standing conflicts existed among the adults in the

community. Indeed, there were a few instances at Cole where parents disrupted the circle process in an effort to discredit teachers or other parents.

Restorative justice methods devised and developed outside of West Oakland needed to be adapted to better fit the strong, self-aware community of West Oakland where they would be practiced. The evidence suggests that Cole, along with partners such as RJOY, were successful in developing a program that both fit within and met the needs of the larger community. In the following example, an adult uses 9/11 to guide students in thinking about issues facing them in their own community.

From an observation: [The adult] talked to the children about 9/11 and drew connections with Oakland. He said that 9/11 resulted from a failure to communicate between two groups that led to anger, then to violence, and then to a lot of deaths. The same is occurring in Oakland. Whether you are in East or West Oakland, there are young people who are unable to communicate for one reason or another and are resorting to violence when they become angry. He noted that Oakland this year has had more murders than it did last year and the year prior. But, Cole is working to change that trend. He then directed the students to reflect on how they can use the skills they've learned at Cole, as well as their common-sense and own intelligence, to address violence in Oakland and events like 9/11.

A small number of adults did not agree that the program fit West Oakland. One adult discussed the importance of community culture in the restorative justice process:

Teacher/Staff: "My take was, 'These people have no idea how to make this work in the black community'—plain and simple. I was

looking at European women who studied this and saw this work in Native American communities, in non-black, non-people-of-color communities and it worked fine. And they just believed that they could bring it to a community that is very deep into its African American culture—very deep into the black culture of America. So the concept and everything sounded good, but the application was very far off. In doing the training, the first day, I was like there was no way. It's going to take a whole bunch of research to figure out how to make this work in this community.”

We found that students often felt an immediate connection with those from West Oakland, both during and outside of restorative justice practices. For example, students were captivated by a guest speaker who told of overcoming troubles while growing up in West Oakland. Those not from West Oakland could sometimes feel like outsiders. One teacher discussed using restorative justice to reduce the distance:

Teacher/Staff: “I thought...when I got here, that working with mostly African American students, because I'm an African American, would initially be a place to start...enough for me to more smoothly work with them....And they treated me and still do like I'm a Martian from outer space. Restorative justice has helped me to open my eyes and see that their perception of me is me not as much as a person of their own color and culture.”

Finally, the restorative justice program at Cole needed to adapt to the primarily lower-income students it served. Although people in many different communities work long hours and face difficulties when taking time off from work because a child is in trouble, the kinds of working-class

jobs that many West Oakland residents hold often offer less flexibility and more severe consequences for absences than middle-class jobs. This problem may be exacerbated during the initial stages of restorative justice, when more time is often necessary. Additionally, long hours may affect a parent's ability to focus on the restorative justice process. In this example, a parent describes her child trying to explain restorative justice to her:

Parent: “And I was like – I really wasn't comprehending cause I had done a double [shift] that day.”

Thus, restorative justice leaders need to take into account the special circumstance of parents or guardians of the students.

Recognize and address the negative assumptions some people make about the characteristics of others

Some adults mentioned negative assumptions about West Oakland residents. As a result, they did not believe restorative justice would be successful. One preconception was that some students were too hardened to benefit from what was perceived as a non-punitive intervention. For these adults, only punitive measures were appropriate for discipline cases, since they believed the adolescents were not capable of transformation. Similarly, some felt that the wider culture of West Oakland valued strength and that the openness required by restorative justice could be seen as weakness. Others thought restorative justice violated the code against snitching.

Teacher/Staff: “And a lot of them were raised with skewed values. And I can't say that they are good or bad, they are just representative of where they grow up at, and what they grew up doing, and so on and so. So their ideas of justice

are different from status quo ideas of justice that we as adults may have and the positions that we're in. Because the adults that they see are not the same as the adults they come into contact with at the school—with the same sense of values or ethic, or what have you. There's a... code of justice. There's a...street code. So when you're dealing with fourteen-, fifteen-, sixteen-year-olds who haven't even heard of such things as restorative, and doesn't really know what it means, and nobody takes the time to really explain to them what that means. And then once you do, they don't see the parallel to their own life. It really doesn't—it's just something we gotta go through at school."

A second preconception was that students simply acted without reflection, or that they were incapable of deep feeling or empathy. This assumption resulted in the further belief that the circles asked things of the students that were beyond their capabilities. In fact, multiple instances belied these assumptions, as the students demonstrated a variety of emotions and showed sensitivity to the people and the events that took place around them. Some students reflectively evaluated the potential consequences of their and others' actions and appropriately moderated behavior because of this awareness. Even some who held this preconception thought restorative justice created a new culture that valued openness at the school.

Teacher/Staff: "Just because, working at this school site and working at another school site—the difference between the two is that this school site, the students are really used to talking and processing. And so it gives me—many times, it'll give me more of the ability to redirect behavior through assisting them with processing through things; as opposed to where in some of the other sites that I'm familiar with, you know

there's a lot of more consequence-based stuff—where it kind of just shuts down the processing part for the student, because then they just have to become angrier; or they just have to go home; or whatever that is. Whereas here, students are more apt to talk about it so it gives me more of an edge to help push them to a place where they're getting something out of it."

If those involved in the restorative process, especially school personnel, make assumptions about others based on their own negative preconceptions, they not only will be less receptive to restorative justice, but also more likely to act in ways that confirm their own negative viewpoints. The likelihood that restorative justice will be successful is thus diminished. This becomes an additional hurdle that must be addressed through the restorative process.

A Final Note: Suspensions and Expulsions at Cole

Restorative justice is held by proponents to disrupt the school-to-prison pipeline by reducing suspensions and expulsions. Preliminary research supports this contention.²⁹ This report, based on a single case study, cannot definitively prove whether observed changes were due to restorative justice. What we can do is examine the rate of suspensions and expulsions before restorative justice was implemented relative to the rate after it was established. We examined trends in suspension and expulsion rates over a five-year period at Cole Middle School. These data were available from the Oakland Unified School District and the California Department of Education. Note that restorative justice was implemented at the school during the final two years presented.

29 Larry Sherman and Heather Strang, *Restorative Justice: The Evidence* (London: Smith Institute, 2007); Sharon Lewis, *Improving School Climate: Findings from Schools Implementing Restorative Practices*, (Bethlehem, PA: International Institute for Restorative Practices, 2009).

Figure 2.
Decline in the suspension rate after implementation of restorative justice program

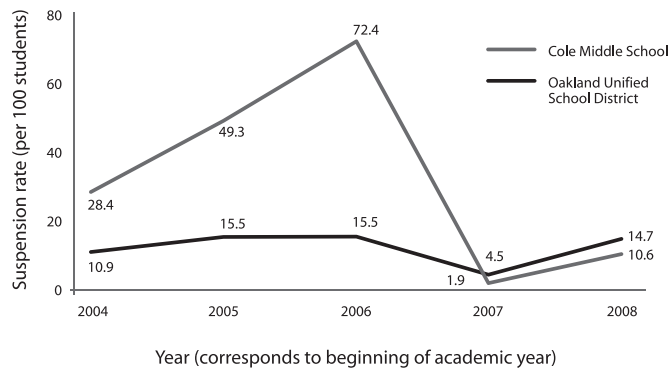
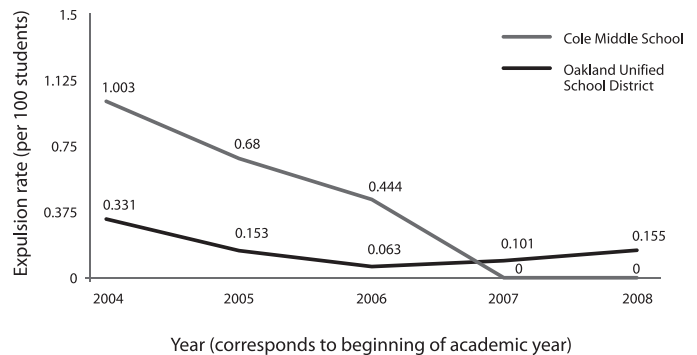


Figure 2 shows the suspension rates for Cole Middle School and for the Oakland Unified School District. A dramatic decline in the suspension rate occurs in 2007, the year that restorative justice was introduced to the entire school. The average suspension rate in the three years before restorative justice was implemented was fifty suspensions per one hundred students. In the two years after restorative justice was implemented, the rate fell to only six suspensions per one hundred students. This represents an 87 percent reduction in the suspension rate. Before the introduction of restorative justice, Cole had a higher suspension rate than the district average. After restorative justice was introduced, Cole suspended students at a rate comparable to the district average.

Figure 3 shows the expulsion rates for Cole Middle School and for the Oakland Unified School District. As with the suspension rate at Cole, expulsions were reduced after restorative justice was implemented school-wide, with a steep decline in 2007. In fact, reported expulsions were completely eliminated. Before the implementation of restorative justice, the expulsion rate at Cole was higher than the district

Figure 3.
Decline in the expulsion rate after implementation of restorative justice program



average. After restorative justice was implemented, the expulsion rate at Cole was even lower than the district average.

Although we cannot definitively say that restorative justice was the cause of the suspension and expulsion reductions, the steep decline in suspensions and expulsions in the year the program was fully implemented at the school and the maintenance of these reductions in its second year provide strong supporting evidence that restorative justice did indeed reduce suspensions and expulsions. That the reduction was sustained suggests that it was not a momentary change because of some short-term external event. However, at least two other potentially confounding events occurred at the same time. A change in principal coincided with the implementation of the restorative justice program. Even if restorative justice had not been implemented, the principal might still have suspended and expelled fewer students than his predecessor. In addition, the school itself became dramatically smaller in the last two years of its operation, and this decline in enrollment might have led to a reduction in conflict. With fewer students, order might have been more easily maintained in the school. However, as the

number of students declined, so did the numbers of teachers, staff, and administrators; therefore, the effect of such reductions is hard to determine.

The results from Cole warrant further investigation into the link between restorative justice and the reduction of suspensions and expulsions. Suspensions at Cole were occurring at their highest rate in the school year starting in 2006, when teachers and staff were being trained in restorative justice and before it was implemented school-wide. This could be evidence that restorative justice must be fully integrated into the school before a reduction in suspensions and expulsions occurs. A randomized, controlled trial could causally determine whether restorative justice reduces suspensions and expulsions.

Limitations

As with any research based on a single case study, limitations to the findings exist. During the year of observation, Cole was atypical; it was in the process of closing down, and contained one grade only. Programs besides restorative justice, including a mediation program, also existed, and might have influenced student behavior and the number of suspensions. How these affected the process and outcomes of restorative justice is unknown.

As we examined just the one school, we are limited in our ability to generalize our findings to other schools. We were unable to compare the outcomes and experiences at Cole with comparable schools in terms of race, ethnicity, class composition, geography, size of the school, and other key factors. Without these comparisons, we cannot say that restorative justice was the cause of the changes observed at Cole. We also did not compare the outcomes at Cole with schools that were dissimilar in

terms of the factors listed above. Thus, we cannot determine what changes and experiences might be distinctive to Cole.

As with all studies using direct observation and interviewing techniques, the presence of the interviewer and observer may have affected responses and behaviors, including interviewees giving answers they think the interviewer wants to hear. All observations and interviews were completed by two individuals, with a West Oakland resident conducting all observations and interviews with students. The presence of an observer may have affected those being observed; teachers both in informal conversations and in an interview mentioned that the students may have been less disruptive when an observer was present, as another adult was in the classroom.

Finally, a restorative justice program will look different every time it is implemented. Even during the years in which it was implemented at Cole, the restorative justice program adapted as it matured, needs changed, and events arose. Thus, restorative justice may look markedly different at other schools; this flexibility is part of the value of restorative justice. However, each school needs to incorporate basic principles before creating its own implementation. Thus, the lessons of this report are deliberately general, meant to provide adaptable touchstones for schools implementing restorative justice.

Conclusion

In summary, the Henderson Center found that restorative justice practices could be implemented appropriately at Cole, a school located in a lower-income neighborhood that primarily served youth of color. After restorative justice approaches were instituted, the suspension and expulsion rates were sharply reduced. We cannot be certain, however, that restorative justice was the cause of the reductions.

This report has documented that for restorative justice to work in a school setting, the particular nature of the school, of adolescents in general, and of the specific community setting need to be taken into account. This finding is unsurprising and argues against a one-size-fits-all training for people interested in becoming involved in school-based restorative justice. Outsiders who wish to participate need to be sensitive to community issues, prepared to devote substantial time at the school, and open to the possibility that they will not be accepted just because they want to “do good.”

The implementation and operation of restorative justice at Cole was largely positive. All programs face challenges, even more so in the early years of implementation, as those involved experiment with how best to adapt the program to the specific environment. A new program willing to document the difficulties it faces, rather than presenting its best face to the external world, remains a rarity. That students, staff, and parents at Cole allowed Henderson Center researchers to observe their process speaks to their belief in the restorative justice program, as does their willingness to share the obstacles they experienced so that other programs might benefit.

Having noted this, we add that restorative justice, like any program, should not be expected to operate without disruptions. Instead, when challenges arise, restorative justice should be measured by its response to those challenges. When a student gets into serious trouble, is the community able to work with the young person to prevent further occurrences? Can the restorative justice program marshal the strengths it has fostered within the school community to help students and staff constructively deal with challenging external events?

Finally, a school-based implementation of restorative justice, not a community-wide program, is discussed in this report. A number of adults we interviewed, even some who were skeptical about restorative justice, desired broader community involvement in the restorative justice program. They felt a school-based program could not have a wider community impact without broader institutional support. However, we note that if community-wide change is a priority, then a restorative justice program would need to target the wider community, including key local organizations such as churches, mosques, and community centers.

Key Lessons

Resources and training

Budget sufficient resources to conduct initial trainings and to continue restorative practices over time.

Involve and train key stakeholders before expanding restorative justice as the formal discipline program in the school. Key stakeholders include the adults at the school and may also include some or all of the students. Through this process, the program can be adapted to the specific environment of the school, concerns by school personnel and students can be addressed, and buy-in can be established.

Address the tension between the authority that school personnel have over students and the increased equity that occurs within the restorative process. This tension should be discussed in trainings and recognized during the expanded use of restorative activities as the program is fully implemented.

Practicing restorative justice

Use restorative justice to strengthen feelings of community and accountability, not just to address discipline issues. Emphasize and reinforce the commonalities among students and school personnel. Use restorative justice as a mechanism for students to introduce, understand, deal with, and potentially resolve difficult topics.

Create positive relationships that can be drawn upon when disciplinary matters arise. Whenever possible, hold disciplinary circles only after information has been gathered and appropriate responsibility has been taken by students and/or school personnel.

Ensure that the principles of restorative justice are informing practice.

Place importance on the continuity of those who will be involved with students. Those who wish to be involved, particularly volunteers, must be willing to commit spending considerable time with the students and to restorative justice and potentially cultural competency trainings.

Be consistent about when restorative justice approaches or traditional disciplinary measures will be used.

Community-specific implementation

Adapt restorative justice to the school and to the culture of the community where it is implemented. Restorative justice is not a one-size-fits-all approach.

Involve restorative justice leaders and other school personnel who understand schools, the communities in which the schools are located, and adolescents.

When the school is located in a community suffering from violence and trauma from violence, use restorative justice to help students deal with harms in that community.

Appendix A: Methodology

This report is based on interviews and observations conducted at Cole Middle School from August 2008 through August 2009. During the observational year at Cole, Henderson Center researchers observed classrooms, restorative justice circles, and other special events put on by the school. In all, Henderson Center researchers conducted over forty observations and interviewed twenty-one students, ten parents and guardians of students, twelve teachers and staff members, and ten community members. Additionally, twenty-four students answered a questionnaire on their perceptions of restorative justice. The Henderson Center also analyzed data on disciplinary issues published by the Oakland Unified School District and the California Department of Education.

We received approval to conduct our research from the University of California at Berkeley Committee for the Protection of Human Subjects. Parental permission was obtained before students were asked if they would like to be interviewed. Students were selected to be interviewed based upon the range of the attitudes they displayed toward restorative justice, as well as upon racial, ethnic, sex, and religious diversity. All students who had parental permission were asked to complete the questionnaire.

Observations were completed by two Henderson Center researchers. All in-class observations were completed by a West Oakland resident. We attempted to observe whenever restorative justice events were planned, as well as sporadically, as time permitted. Observations occurred at

pre-arranged restorative events, classrooms, hallways, visits to the principal's office, and restorative justice trainings.

All interviews and observation notes were transcribed. After numerous readings of the transcripts, a coding scheme was devised where data were both coded and "memoed," which is the dual process of sorting individual quotes and observational materials into categories, such as "perceived benefits of restorative justice," along with commentary on the quotes. The transcriptions were coded by four researchers at the Henderson Center. Coded materials were sorted by codes and then coded again, based upon themes that emerged when quotes or observations on similar issues were compared to each other.

Cole Middle School is identified in this report because the restorative justice program at Cole was well publicized and was the only restorative justice program operating in West Oakland at the time. Because Cole is named, and because of the small number of people who attended or worked at the school during the study period, we have chosen not to use interview code numbers in each quotation in order to protect the confidentiality of participants.

Appendix B: More Information about West Oakland

West Oakland is located in Oakland, California. Oakland is the 44th largest city in the United States, with an estimated population of 404,155 as of July 1, 2008.³⁰ Its demographic make-up is 30 percent African American, 25 percent White, 25 percent Hispanic/Latino, 16 percent Asian/Pacific Islander, and less than 1 percent Native American.³¹ Twenty-eight percent of households with children under eighteen fall under the federal poverty line.³² Oakland's crime rate ranked third out of the 393 largest cities in the United States.³³

The West Oakland neighborhood has a long history of ethnic diversity, often including recent immigrants, with an Asian/Pacific Islander, African American, and White presence dating back to the 1880s. The neighborhood's African American population grew in part because the neighborhood was the terminus of the transcontinental railroad. West Oakland housed the headquarters of the Brotherhood of Sleeping Car Porters, the first African American union to win a charter from the American Federation of Labor (AFL). The West Coast headquarters of Marcus Garvey's United Negro Improvement Association was located in West Oakland, and even before World War II, a vital jazz and blues scene flourished along 7th Street. These institutions provided models of success and served as points of pride for the community.

During World War II, tens of thousands of African Americans moved to Oakland to work at the shipyards. Both custom and law restricted where they could live, with West Oakland one of the few places where realtors and landlords would sell or rent to African Americans. These restrictions led to the creation of a large community of African American homeowners. Racially segregated public housing projects were built to accommodate the increase in population. The blues and jazz scene continued to expand along 7th Street, with Slim Jenkins' Place as its star attraction.

With the loss of shipyard jobs at the end of the war and the continued loss of industrial jobs throughout the 1960s and 1970s, poverty intensified in West Oakland. Freeway construction and home loan programs targeted to the suburbs led to an exodus of the middle-class population, leaving behind an increasingly poorer African American and Hispanic/Latino population. This same period saw the birth of the Black Panthers, a community-based African American empowerment organization headquartered in West Oakland.

In recent years, pockets of middle-class housing have been constructed in close proximity to the homes and apartments of long-standing residents. At the same time, immigration has increased the ethnic and racial diversity of the community.

30 Table 1: Annual Estimates of the Resident Population for Incorporated Places Over 100,000, Ranked by July 1, 2008 Population: April 1, 2000 to July 1, 2008," <http://www.census.gov/popest/cities/tables/SUB-EST2008-01.csv>. (United States Census Bureau, Population Division. 2009-07-01, Retrieved September 30, 2010).

31 *American Community Survey*, U.S. Dept. of Commerce, Bureau of the Census, (2006-2008) http://factfinder.census.gov/home/en/acs_pums_2008_3yr.html.

32 *American Community Survey* (3 year average, 2006-2008) Table C17010, authors' calculation.

33 Kathleen O'Leary Morgan, Scott Morgan and Rachel Boba, *City Crime Rankings 2009-2010: Crime in Metropolitan America* (Washington, D.C., CQ Publishing Co., 2009). Reported crimes included murder, rape, robbery, aggravated assault, burglary, and motor vehicle theft.

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