



A MODEL CODE on Education and Dignity

CHAPTER 3: DIGNITY

3.7.b Model Policy on Restorative Justice Practices

Definitions

1. **School community** – Includes students, teachers, administrators, counselors, social workers and other school staff, families and the surrounding neighborhood/community.
2. **Restorative Justice** – A theory of justice that emphasizes seeking to repair rather than to punish when there is harm, using practices that:
 - a. Bring understanding to how harm took place, its root causes and impacts;
 - b. Include those involved and affected by the harm;
 - c. Seek to support the needs of all involved;
 - d. Center values of growth, safety, empathy, shared power, choice, and healing; and²²⁵
 - e. Build mutual responsibility and constructive responses to conflict.
3. **Restorative Justice Practices** – A framework for a broad range of restorative justice approaches that proactively build school community based on cooperation, mutual understanding, trust and respect, and respond to conflict by including all people impacted by a conflict in finding solutions that restore relationships and repair the harm done.²²⁶ These practices can be used to implement positive behavior in classrooms and on school campuses consistent with the framework in Section 3.7.a Model Policy on School-wide Positive Behavior Interventions and Supports (SWPBIS).

Recommended Language

- A. **School districts shall provide the resources, training and technical assistance for schools to implement Restorative Justice Practices district wide.**
 1. School districts shall incorporate a restorative philosophy into their school-wide mission, imbed Restorative Justice Practices into their curriculum and classroom teaching methods, and integrate Restorative Justice Practices into their Discipline Codes or Student Codes of Conduct as the primary process by which schools respond to behavior and conflict.
 2. School districts shall create a School Climate and Culture Committee at the central district level that includes individuals who have engaged in Restorative Justice Practices in school settings. The Committee shall provide ongoing training, evaluation and technical assistance such as coaching, mentoring, observations, demonstrations, or co-facilitation to schools in implementing Restorative Justice Practices. The School Climate and Culture Committee shall create the mechanisms to collect and evaluate data on school climate, discipline and safety, as well as mechanisms to intervene to ensure that schools with higher suspension, expulsion and arrest rates receive the resources and technical assistance they need to implement Restorative Justice Practices.
 3. School districts shall fund a Restorative Coordinator position in each school that shall support development and implementation of a school-wide plan, and provide ongoing support and coordination for administrators, teachers and students. The Restorative Coordinator should be someone selected by the School Climate and Culture Leadership Team below with whom students can build positive relationships.
- B. **Schools shall establish a School Climate and Culture Leadership Team²²⁷ that is responsible for developing and implementing a plan to integrate Restorative Justice Practices into school policies, practices and culture.**
 1. The School Climate and Culture Leadership Team shall include representatives of all stakeholders in the school community, including administrators, teachers, counselors and other support staff, students, parents or guardians,

²²⁵ See generally Skiba et al., *supra* note 87.

²²⁶ “What is Restorative Practice?” Safer Saner Schools, available at <http://www.safersanerschools.org/What-Is-Restorative-Practices.html>.

²²⁷ This role maybe be carried out by a similarly mandated body that already exists rather than duplicating efforts.

and other relevant community members who receive training in Restorative Justice Practices. The Team shall periodically recruit new members from the school community so that the knowledge and leadership on Restorative Justice Practices is shared and perpetuated.

2. The School Climate and Culture Leadership Team is responsible for disseminating information about Restorative Justice Practices and engaging all members of the school community in supporting its implementation on campus. The Team is responsible for gathering input from the broader school community and developing a plan for what Restorative Justice Practices trainings and technical assistance shall be provided to staff, students and parents or guardians and what structures, policies and practices shall be created.
 3. The School Climate and Culture Leadership Team is responsible for presenting quarterly reports on school climate, discipline, safety and implementation of Restorative Justice Practices.
 4. The School Climate and Culture Leadership Team shall also reach out to community-based organizations and other actors in the community to build support for Restorative Justice Practices inside and outside of the school.
- C. Schools shall actively create a positive school climate for all members of the school community through the regular and ongoing use of classroom-level practices, staff-focused processes and school-wide Restorative Justice Practices that build community, strengthen relationships, promote inclusiveness, enhance communication and promote culturally affirming social and emotional learning.**
1. Strategies that can be implemented on a school-wide level include but are not limited to:
 - a. Discussions in the classroom and school-wide forums about how members of the school community should treat one another;
 - b. Time to share the highs and lows of the day in advisory classes or forums;
 - c. School-wide restorative conversation and communication that provoke student reflection on how their actions impact others;
 - d. Creating a welcoming environment where parents or guardians and community members are invited to volunteer and participate in the school community, including creating a parent room on campus; and
 - e. Creating mechanisms for students to check-in when they enter school each day to share concerns and/or request a meeting with a counselor to discuss problems they are facing.
 2. Teachers shall use restorative circles as a classroom teaching method to work collaboratively with students to build relationships, set academic goals, foster culturally affirming social and emotional learning, explore the curriculum and set classroom norms for behavior, including:
 - a. Morning “Check-in” Circles for teachers and students to share what is going on in their lives, center themselves and focus on the day ahead; and
 - b. Discussion Circles to talk about a topic they are currently studying and delve into more depth on the subject.
- D. In response to harms or conflict, schools shall use a continuum of practices that are restorative rather than punitive.²²⁸ Schools shall only use exclusion from a student’s regular classroom for the most serious incidents when it is absolutely necessary to protect the safety of the school community (see Section 3.2 Guidelines for Suspensions, Expulsions and Removals).**
1. All individuals who are impacted by a behavior or conflict shall talk about the harm, its root causes and impacts, and collectively develop agreements for how the harm will be addressed that meet the needs of all involved.²²⁹
 2. If appropriate, the students or staff who committed the behavior or were involved in the conflict may participate in a restorative process to hear from all stakeholders and determine actions that meet restorative practice principles. Restorative processes should be conducted in a student-friendly space with both students and staff trained to support the discussion.
 3. The continuum of practices includes but is not limited to:
 - a. Restorative Chats – One-on-one informal conversations that are held as an immediate response or follow up to an action that has somehow caused harm, to help the individual understand the impact of their action, and find ways to repair harm and prevent it from happening again.²³⁰
 - b. Restorative Circles – Processes in which participants take turns speaking to a topic, guided by at least one circle keeper, using a talking piece and going around to ensure that everyone has an equal opportunity to speak. There are many different types of circles that can be used to promote a positive learning environment

²²⁸ See generally International Institute for Restorative Practices, <http://www.iirp.edu/index.php>; Restorative Solutions, <http://www.restorativesolutions.us/schools.html>; Safer and Saner Schools, <http://www.saferanerschools.org/>.

²²⁹ Chi. Pub. Sch. Policy Manual, Student Code of Conduct For Chicago Public Schools For The 2009-2010 School YEAR 5 (2009), available at <http://policy.cps.k12.il.us/documents/705.5.pdf>.

²³⁰ See generally, The Restorative Schools Vision Project, <http://www.restorativeschoolsproject.org/>.

and deal with issues as they arise (for circles used in classroom teaching see C.2 above). Some of the main circles that schools can utilize for discipline include:

- i. Responsive Circles or Discipline Circles to address what occurred, repair the harm and develop solutions to prevent reoccurrence, involving relevant parties and support people if helpful. Responsive Circles bring together those who were involved in and affected by a significant incident of harm (as well as anyone invited to provide support and resources) to rebuild trust, understand what happened, express how they have been affected, and agree on how to repair the harm and prevent it from happening again. Pre-circle meetings are typically used to individually prepare participants in advance. Agreements may be written and signed. Follow-up ensures there is reflection, support, adjustment, and affirmation in carrying out the agreement. This process can be used as an alternative to exclusionary interventions such as suspensions;²³¹
 - ii. Classroom or Staff Circles can be used proactively to build community, establish norms, check in, and collectively solve problems and make decisions. In the classroom, they are also a vehicle for social emotional learning and content instruction, offering youth an opportunity to take an active role in creating a safer and supportive space in their own classroom. In any context, the circle gives equal opportunity for all to listen, contribute, and practice key life skills;²³²
 - iii. Intensive Support Circles are a preventative circle process to weave struggling individuals or families together with community members, youth workers, and others into a web of support characterized by strong relationships and shared responsibility. They may occur as a series of circles for relationship-building, resource mapping, action planning, check-ins, and celebration;²³³
 - iv. Reintegration Circles are a form of support circle for those who have been excluded from the school or neighborhood community on account of suspension, arrest, incarceration, illness, etc. Reintegration Circle provides an opportunity to welcome the individual back, reaffirm their importance in the community, and provide support their successful reintegration;²³⁴ and
 - v. Culturally affirming social and emotional learning circles used to role-play and work with students to develop positive behavioral models.
- c. Restorative Conferencing (or Community Conferencing) is used as an alternative to exclusionary forms of discipline or justice. A facilitator individually prepares those involved and affected by an incident of harm (as well as anyone invited to provide support and resources) and then convenes a conference for them to share what happened, how they have been affected, and what is needed to repair the harm and prevent it from re-occurring. Like responsive circles, agreements may be written and signed and follow-up ensures agreements are honored and supported.²³⁵
 - d. Fairness Committees – A Fairness Committee is made up of students, teachers and other school staff who have been trained in Restorative Justice Practices to work with students or staff who have violated core community norms and values to create agreements through dialogue and by consensus. The committee takes referrals from staff or students to 1) inspire empathic and critical self-reflections by confronting a member of the community with his or her actions and how they have affected others; 2) collectively determine how best to restore and mend the community in the wake of actions inconsistent with its values; and 3) determine how to reintegrate the member of the community who has violated the shared values back into the fabric and culture of the school.²³⁶
 - e. Impact Panels – A forum for students or adults who were harmed by an incident to tell other students that caused harm about the impact of the incident on their lives and on the lives of their families, friends and neighbors. Panels typically involve three or four speakers who have experienced harm, each of whom spends about 15 minutes telling their story in a non-judgmental, non-blaming manner. These forums are used to educate other students about the impacts of harm in the school community. While some time is usually dedicated to questions and answers, the purpose of the panel is for those impacted by the harm to speak, rather than for those who have caused harm to engage in a dialogue.²³⁷
 - f. Restorative Mediation – A process that provides those harmed by an incident an opportunity to meet the person who caused the harm, in a safe and structured setting, and engage in a mediated discussion of the offense. With the assistance of a trained mediator, those who were harmed are able to tell the person who caused the harm about the incident’s physical, emotional and other impacts; to receive answers to lingering questions about the incident; and to be directly involved in developing a plan for the harm to be repaired.²³⁸

²³¹ Restorative DC, Glossary of Terms

²³² IBID

²³³ IBID

²³⁴ IBID

²³⁵ IBID

²³⁶ See generally, Teachers Unite For Restorative Justice And Dignity In Schools, <http://teachersunite.net/340>.

²³⁷ Chi. Pub. Sch. Policy Manual, supra note 234 at pg 38.

²³⁸ Id. at pg 52.

E. Student and Family Rights²³⁹

Information about the use of Restorative Justice Practices at schools shall be provided to all students and parents or guardians.

1. The person who has committed the behavior shall have the right to participate in restorative responses instead of more traditional forms of discipline such as suspension and expulsion.
2. The person who has committed the behavior has the right to participate actively in identifying the solutions and responses to repair the harm done.
3. The people who were impacted by the behavior shall have the option, but are not required to participate in Restorative Justice Practices and identifying the solution to repair the harm done.
4. Families and friends of the person who committed the behavior and the students impacted by the behavior have the right to participate in the restorative process.

F. School districts shall provide Restorative Justice Practices training by experienced practitioners for all members of the school community with resources for ongoing technical assistance, and districts shall further engage teachers, students and parents/guardians to help design and lead the trainings.

1. All administrators and support staff shall receive training on using Restorative Justice Practices in interacting with staff, parents or guardians, students and the community and in responding to conflict.
2. All teachers, counselors, social workers and other support staff shall receive training in incorporating Restorative Justice Practices into lessons and day-to-day classroom activities and as a technique for classroom management and conflict resolution.
3. All students shall receive instruction on Restorative Justice Practices in the classroom through appropriate activities and shall receive academic and/or community service credit for attending classes on Restorative Justice Practices and/or participating in restorative committees, groups or boards.
4. All families and members of the community shall have access to training in Restorative Justice Practices through regular workshops and community building activities.

²³⁹ Parent-to-Parent Guide on Restorative Justice. COFI/POWERPAC (2015). Available at: https://docs.wixstatic.com/ugd/10497b_59239a172e49412f8fecefc0b2e7c66c.pdf.