

## ***Restorative Justice is neither Restorative nor Justice***

*“Education advocates insist, against the evidence, that disparities in school discipline by race and disability status primarily reflect “institutional racism” and teachers’ “implicit bias,” not differences in student behavior driven by broader societal inequities. Based on this distrust and the fear that disciplining students does them serious harm, policymakers have tied teachers’ hands and undermined their authority in the classroom.” Max Eden*

**Restorative Justice is not a specific curriculum, but an approach to student discipline that views authority and consequences as inherently oppressive. It posits that misbehavior stems from cultural conflict or unmet needs.**

### **Foundation:**

- It externalizes causes of misbehavior, rejecting the idea that we act out because we are imperfect, it is based on Rousseau and progressive romanticism which believed the natural innocence of children was corrupted by the evils of society.
- Brazilian Marxist, Paolo Friere (*Pedagogy of the Oppressed*) advocated society, as a corrupting influence, be torn down.
- Traditionally, discipline has been based on appropriate consequences to an infraction.
- Following the Columbine tragedy, zero tolerance policies were implemented, creating infractions out of sometimes innocent actions, like biting a pop tart into the shape of a gun.
- Obama Administration's 2014 letter coerced school systems into adopting illegal racial quotas in their disciplinary decision-making, causing school districts to reduce disciplinary actions in order to avoid civil rights complaints.
- Secretary of Education, Betsy DeVos, withdrew guidance in 2018 but many districts chose to continue policy of race-based discipline and “restorative justice.”

### **Restorative Justice Practices include:**

- Positive Behavioral Interventions and Supports (PBIS) - a long held practice of rewarding good behavior with praise or privileges, particularly helpful in lower grades.
- Restorative Circles require students to form a circle around the instigator and led by teacher or peer tutor, discuss incident through perspective of bully and victim, seeking reconciliation.
- Dialogue and Reflection encourages individuals to reflect on actions, understand consequences, and engage in dialogue about repairing harm and restoring relationships.

### **Problems**

- Most bullies know what they are doing is wrong, but just don't care. Restorative Justice only works if the bully cares about the victim.
- It places untrained teachers and students in the role of mental health counselors, a breach of ethics established by the American Psychological Association.
- Restorative practices allow administrators to skip filing disciplinary reports, prioritizing reducing workloads over student safety.
- Disciplinary issues aren't decreasing - just going unreported.
- Disruptive behaviors interfere with learning and safety of other students, as well as teachers.

### **Tragedy**

Broward County Public Schools, home to Marjory Stoneman Douglas High School, was one of the first to embrace "restorative justice" discipline programs. Nicolas Cruz, a disturbed individual with an extensive record of making sexual, violent, and death threats, was well known by administration, mental health professionals and the police. Having been described as a “school shooter in the making,” he was allowed to remain outside the justice system until February 14, 2018 when he shot and killed 14 students and teachers.

