

trict. When I asked him what discipline system they had developed, he paused for a moment, then mused, "I guess we don't have one. We just don't have discipline problems." I had visited scores of schools in four states during my tenure as a school psychologist and college professor, but never one with an ethos of peace and community engagement like this one.

Then I visited another school on this same tour. Down the road a mile or so was a high school that the children in the school I just described would eventually attend. As I entered I noticed huge holes in the tiles on the floor. I learned that the lockers were recently moved to a place where adults could view them all of the time because students had set fires in them in their old location. When the bell rang at the start of each period, the teachers would lock the classroom doors to keep out mischievous students. Three rooms were reserved for in-school suspension. Teacher turnover was high, and an air of suspicion and fear permeated the school. What happened on the road between the two schools? How was caring unlearned?

The Little Book of Restorative Discipline for Schools

Amstutz & Mullet

2. Why Restorative Discipline?

The role of discipline

One of the greatest concerns of parents and educators is how to assist our children, through teaching and guidance, to become responsible and caring adults. Providing adequate and appropriate discipline is an important part of this process.

The term *discipline* comes from an old English word and means "to teach or train." Discipline is teaching children rules to live by and helping them become socialized into their culture. That socialization is a lifelong process and includes helping children to control their impulses and to develop social skills that allow them to fully participate in lifelong interactions with others around them.

Discipline usually has several goals. Short-term, discipline intends to stop a child's inappropriate behavior while explaining what is appropriate. Long-term, discipline aims to help them take responsibility for their own behavior. When children's lives and behavior are too regulated by others, they feel no need to control themselves since others do it for them. So an important long-term goal is to teach self-discipline.

Restorative discipline adds to the current discipline models, which attempt to prevent or stop misbehavior, and teaches more life-giving responses. In today's schools, care for the person(s) harmed through misbehavior is rarely addressed in intentional ways. Restorative discipline helps misbehaving students deal with the harm they have caused to individuals and to the school community. The goals of restorative discipline apply not only to those involved in or affected by misbehavior, but to the larger educational community as well.

Key goals of restorative discipline

- To understand the harm and develop empathy for both the harmed and the harmer.
- To listen and respond to the needs of the person harmed and the person who harmed.
- To encourage accountability and responsibility through personal reflection within a collaborative planning process.
- To reintegrate the harmer (and, if necessary, the harmed) into the community as valuable, contributing members.
- To create caring climates to support healthy communities.
- To change the system when it contributes to the harm.

Discipline, then, becomes a long-term process that hopefully leads our children to become responsible for their own behavior. Teaching self-discipline requires time, patience, and respect for our children. We need to invest the required time it takes in order to prepare our children for life.

How do we do that in the context of school life? We know that children misbehave and that they do so for a variety of reasons. They may still be learning the difference between right and wrong. They may be upset, discouraged, or feeling rejected. They may be feeling powerless in a particular situation. Or they simply may be acting their age; misbehavior is often associated with particular developmental stages of life.

But even though children may follow similar overall patterns of development from one stage to another, they do

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not all reach and leave each stage at the same time. Each child has his or her own internal developmental timetable, so each progresses uniquely. This becomes a source of unpredictability for parents and teachers and gives rise to a feeling that we can never figure them out.

We do know that differentiated instruction is successful when teachers plan for different learning rates and styles and when they structure tasks to meet individual needs. We believe that discipline should be equally individualized to meet the needs of students; we will discuss that more fully in a later chapter.

The role of punishment

Nelsen, Lott, and Glenn, in their book *Positive Discipline in the Classroom*, ask, "Where did we ever get the crazy idea that to make people do better we first have to make them feel worse?"⁴ In general, punishment serves to restrain a child temporarily but does little to teach self-discipline directly. Punishment may make children obey the rules when the enforcer is present or nearby, and it may teach them to

comply in the short run. But does it teach the skills needed to understand the meaning behind the rules?

The negative effects of punishment are well documented.⁵ These include feelings of anger by the one being punished which change the focus from the harm done to resenting the giver of the painful punishment. The punished

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student then tends to question the nature of the punishment and to blame the punisher rather than take responsibility for the harm done by the misbehavior. Punished students exhibit a domino effect: they blame teachers, take out their frustration on peers, and passively resist assigned work.

So why does punishment continue to be the dominant feature in school discipline? The most obvious answer is that it is quick, easy to administer,

and seems to meet the criterion that "at least something was done." Teachers often feel frustrated when they send students to the office because of misbehavior, only to have the students sent back after a conversation with the administrator. This often does not seem like an adequate response. Many students are not willing to face the harm they have done, nor to take responsibility for their behavior. When this happens, punishment may seem necessary to restrict opportunities for more harm.

There may be a place for some forms of punishment in these situations. A punishment-as-transition focus would allow punishment but continue to offer opportunities for choosing more positive options. For some students, punishment is best viewed as beginning the discipline process of moving toward healthier decision-making and responsi-

ble behavior. A specific plan and action for responsible change should follow and replace the punishment measure. Support for such change will come from those affected by the misbehavior, including friends and relatives of the person who caused harm.

Restorative discipline, like punishment, concerns itself with appropriate consequences that encourage accountability—but accountability that emphasizes empathy and repair of harm. Restorative practices also encourage accountability through a collaborative, community-owned process. Ideally, we could design processes that use punishment, or the threat of punishment, as a *last* resort, with restorative options as the norm or default. This is what New Zealand has done, for example, in their youth justice system where the first response is a restorative conference, and the use of court and punishment is reserved for those situations that cannot be successfully resolved through a restorative process.⁶

The role of restorative justice

The concept of restorative justice has been articulated during the past 30 years, at least for those of us with a Western worldview, as a way to address some of the problems and limitations of the Western legal system. Victims, offenders, and communities often feel that the legal system has not met their needs for justice. Those within the system, too, often felt frustrated at the system's failure to provide genuine accountability for offenders and to address the needs of those who have been harmed.

The restorative justice field has introduced a number of ways to address these issues in practice through various forms of mediation, conferencing and circles, many of which have application in restorative discipline. However, restora-

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tive justice has also offered a different perspective or philosophy from which to view wrongdoing. This perspective fo-

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cuses on needs and resulting obligations more than on making sure people get what they "deserve." It also emphasizes collaborative and cooperative problem-solving.

In *The Little Book of Restorative Justice*, Howard Zehr notes that our understanding of how to handle wrongdoing often revolves around three questions: What rules were broken? Who did it? What do they deserve? This tends to leave those who were harmed out of the process, focusing instead on the punishment of those who offended. As we have seen above, punishment is often ineffective or counter-productive.

A restorative approach, Zehr reasons, centers around six guiding questions.

Guiding questions for a restorative approach

1. Who has been hurt?
2. What are their needs?
3. Whose obligations are they?
4. What are the causes?
5. Who has a "stake" in this?
6. What is the appropriate process to involve stakeholders in an effort to put things right?

Zehr proposes a definition for restorative justice designed for a criminal justice setting:

Why Restorative Discipline?

Restorative justice is a process to involve, to the extent possible, those who have a stake in a specific offense and to collectively identify and address harms, needs, and obligations, in order to heal and put things as right as possible.

Many have begun to look at the principles and practices of restorative justice to address issues in other arenas beyond the legal justice system. For example, how do we deal with issues of harm and wrongdoing *before* they reach the legal system? How do we teach our children about accountability and responsibility? What lessons do children learn about how to deal with conflict and with difficult situations in which they find themselves? What about the interpersonal conflicts students bring to school that originate outside school hours? Restorative justice promotes values and principles that encourage us to listen and speak to one another in ways that validate the experiences and needs of everyone within the community.

We would like to propose a broader definition that addresses not only the responsive nature of restorative justice when a harm or violation occurs, but provides a guide to how we live together day by day:

Restorative justice promotes values and principles that use inclusive, collaborative approaches for being in community. These approaches validate the experiences and needs of everyone within the community, particularly those who have been marginalized, oppressed, or harmed. These approaches allow us to act and respond in ways that are healing rather than alienating or coercive.

This definition of restorative justice or discipline has implications for problem-solving and discipline in a school setting. Let's explore this further with two scenarios:

Scenario A: A teacher walks into his eighth-grade homeroom class early one morning and hears Jason call Sam an inappropriate name. He takes Jason into the hallway and talks to him about his language and how that must make Sam feel. He lets him know that kind of language will not be tolerated and the behavior must stop. Jason begins to tell him what happened, but the teacher reiterates his position that the language Jason used was wrong and must not happen again.

They go back into the classroom and the teacher pulls both Jason and Sam aside and tells them he notices they are treating each other unkindly and wants that behavior to stop—from both of them. Class resumes. Sam and Jason continue to be angry at each other.

Scenario B: A teacher walks into his homeroom class early one morning and hears Jason call Sam an inappropriate name. He asks both Sam and Jason to come out into the hallway and tells them he would like to meet with them together immediately following lunch back in their classroom.

During that meeting he asks Sam and Jason what has been going on between them that seems to be causing such difficulties over the past two weeks. Jason talks about Sam taking his assignment book during homeroom and hiding it. Jason knows that Sam was joking, but when he kept doing it, Jason became irritated and asked Sam to stop. Sam continued with the prank, and Jason got in trouble yesterday because his English homework was in the book, and he could not find where Sam had hidden it. Jason felt frustrated and

called Sam a name, which is what the teacher heard that morning.

Sam acknowledged that perhaps he had gotten carried away with his joking and did not know Jason had gotten into trouble. And Sam told Jason he didn't think his actions warranted the name that Jason called him in front of everyone. Both boys apologized and agreed that things had gotten out of control and that they didn't want the trouble to continue.

Scenario B is the response most likely to bring about long-term positive results within the school environment, even though it obviously takes more time. We believe that restorative justice provides one framework to reach that goal.

Restorative discipline in schools is not simply about introducing new programs and/or practices, although that is a key component. It is also about providing a new *framework* for the work that educators are doing. Certainly teachers can utilize ad hoc restorative discipline practices alongside existing school policies. The ideal, however, is to have schools—including parents and students—look at existing policies and practices and discern together how to replace those practices that have not worked and implement restorative discipline approaches for the entire school or system.

As parents we recall times when we have regretted decisions we made regarding the discipline of our children. Looking back on some of those decisions we recognize one key missing factor: creativity. That lack of creativity led to discipline that was more about our need for control or quick resolution rather than about our children's lifelong learning. When dealing with a conflict we often do not

view it as an opportunity or a teachable moment but, rather, something to get through.

We know that teachers, administrators, parents, practitioners, and others working in educational settings already

If you want
to solve a
problem,
you cannot
solve it if
you continue
to think
the same way
you were
thinking
when you
created it.

— Albert Einstein

have disciplinary toolboxes. Our hope is that restorative discipline approaches will provide an additional toolbox, one that holds many new resources yet to be discovered.

Restorative discipline approaches can provide new and creative possibilities rather than simply offering cookie-cutter answers to situations which teachers and administrators experience every day. Restorative discipline requires flexibility and creativity. It requires thinking about the behaviors that rules are meant to regulate, more than the rules themselves, and being aware of the unintended consequences of rules. It means giving attention to how we learn to live and work together.

Other roots of restorative discipline

We have noted the contribution of the restorative justice field to restorative discipline. A number of other movements and perspectives have also contributed significantly.

A primary goal of schools in a democracy is to develop a community of responsible citizens. In recent years, three movements in education—Conflict Resolution Education, Character Education, and Emotional Literacy—have broadened the focus of democratic schools.

Conflict Resolution Education (CRE) introduced peer mediation programs and developed curricula to integrate conflict resolution into school life. What began as instruction in nonviolent problem-solving developed into a peaceable schools approach that honors an ethos of care within collaborative communities.

CRE most directly influenced discipline in schools through peer mediation programs, which often served as an alternative or add-on to existing discipline processes dictated by adults. When students assisted each other in developing ways to manage and change behavior, the question naturally arose: Why can't all students learn the skills to manage their own conflicts? CRE now teaches negotiation as well as mediation skills to students, in addition to those who receive specific training as mediators.

The Character Education (CE) movement developed separately but informed the relationship-building element, or peaceable schools component, of CRE. Character Education programs are primarily designed to teach and encourage positive values and behavior. Therefore, they do not focus heavily on the specific options in conflict situations or on how such situations can transform behavior.

However, CE programs have developed materials to teach such core values as responsibility, respect, trustworthiness, and friendship, as well as how to care for oneself, for others, for the environment, and for ideas. All of these values are important to a restorative perspective.

Daniel Goleman's work in *Emotional Literacy* provided impetus for schools to attend to both the affective and cognitive components crucial to learning in a diverse society.⁸ Each of these three movements has contributed to the emergence of restorative discipline.

Building on the lessons of these three other movements, restorative discipline intentionally focuses on the relational and transformative elements of discipline, both in the processes of working through the conflicts, and in the

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discipline
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product or outcome of these processes.

While the primary question CRE asks is, "How can you solve the problem?", in restorative discipline the key question is, "How can you put it right?"

The first focuses on finding a solution that is fair and acceptable to all parties; restorative discipline adds the additional layer of working on the relationship that was harmed or deterred. It also seeks to include all those affected by the action in a collaborative process of developing a plan for change and restitution.

In addition to these contributing movements, three major philosophical strands have shaped restorative discipline most extensively: constructivism, critical reflection, and psycho-educational theory.

Constructivism holds that individuals gain meaning and motivation when they are given power to make their own decisions and to engage in the problem-solving process through collaboration.

Critical reflection describes a problem-solving process that honors multiple perspectives and emphasizes creative problem-solving along with an analysis of systems and situations.

A *psycho-education* approach values an understanding of the internal feelings, needs, and conflicts that motivate behavior. As we have seen, restorative justice theory has added a focus on the relationship piece: the harm done by misbehavior and the consequent need to put things as right

as possible. We will explore restorative principles and values further in Chapter 3.

A punishment-to-restoration continuum

Restorative discipline does not seek to deny consequences for misbehavior. Instead, it focuses on helping students understand the real harm done by their misbehavior, to take responsibility for the behavior, and to commit to positive change. We propose a continuum of discipline measures or choices in education, moving from *punishment* to *consequences* to *solutions* to *restoration*.

A discipline continuum

Punishment Consequences Solutions Restoration



Within the *punishment approach*, consequences are selected without any meaningful connection between the misbehavior and the punishment; e.g., suspension for stealing sneakers and trashing the locker room. A *consequences approach* seeks to make the punishment fit the crime by linking natural or artificially connected consequences to the crime. This may mean that the student's consequence is to clean the locker room. These consequences are selected by adults or a peer jury based on a menu of options that are seen as connected to the misbehavior; e.g., the student "corrects" the harm done.

A *solutions approach* sees misbehavior as a problem to be solved. In the case above, the disciplinary procedure would look at why the student was in the locker room and was motivated to vandalize it and steal sneakers. Educators are familiar with a "functional behavior assessment" approach.

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It seeks to find the function or purpose of the misbehavior, and then to develop a plan to replace the misbehavior with a positive behavior which meets the needs of the student but without breaking rules. In the stealing example, a disciplinarian might find, after interviewing observers, that the student who stole the shoes was upset because the owner of the shoes was getting more playing time than he was. The plan for change might include a new way to address play-time concerns.

When using punishment, consequences, and solution modes, adults typically select the plan or consequence without the input of the misbehaving student. Some form of retribution is usually meted out in this process, even if solutions are chosen to address an underlying issue. A *restorative approach*, however, recognizes the needs and purposes behind the misbehavior, as well as the needs of those who were harmed by the misbehavior. A restorative approach works with all participants to create ways to put things right and make plans for future change. Thus, the focus is on the healing that can occur through a collaborative conferencing process.

Restorative discipline:

- recognizes the purposes of misbehavior
- addresses the needs of those harmed
- works to put right the harm
- aims to improve the future
- seeks to heal
- uses collaborative processes

Why Restorative Discipline?

Both punishment and consequence modes are based on the hope that unpleasant results or pain will deter misbehavior. The solutions mode holds that solving the presenting problem will deter future misbehavior and provide a more healthy replacement behavior. The restorative discipline mode believes that harmers will choose respectful options when they come to understand, through dialogue and conversation with those harmed, the pain they have caused by their misbehavior. The following story illustrates an approach to misbehavior that initially was punitive but became restorative.

Amy, a 13-year-old, was told "No!" by her mother when she asked to attend a particular event with friends. Amy responded with anger, slamming doors and being disrespectful, especially after her mother's reason for saying No amounted to "Because I said so." This continued throughout the afternoon until the mother reacted by imposing consequences. Amy was grounded for a three-week period.

A high level of anxiety and tension continued until the two of them sat down to discuss what had happened, acknowledging their mutual anger which resulted in what seemed to Amy to be an unfair punishment. Amy said the exchange taught her that she shouldn't be angry because she would be punished. Her mother responded that the punishment was a result of *how* Amy inappropriately displayed her anger, rather than the anger itself.

As they continued to talk Amy agreed that her behavior required consequences. She wondered whether there were options other than being grounded and suggested that she cook the family meals for one week in exchange for one week of grounding.

Ideally, the conversation about Amy's inappropriate anger would have happened before the punishment, but the level of intensity was obviously high and the level of creativity low. Allowing Amy to have a say in the consequences of her actions provided a number of opportunities beyond simply grounding her for three weeks.

The new solution gave Amy and her mother and/or father an opportunity to spend time together for a week while cooking the family meals. This taught Amy valuable life skills and provided additional time for her parents to talk about the reasons Amy was not allowed to attend the event with her friends. It gave them an opportunity to have the kind of discussion that is often difficult in the midst of a conflict. They were able to talk about their relationship rather than simply the presenting issue. And it provided an opportunity to look at the underlying feelings of hurt both might have been feeling. They could then begin to talk about the values that are important in creating meaningful relationships.

Let us turn, now, to the values and principles that underlie and shape restorative discipline.

3. Values and Principles of Restorative Discipline

Many schools have already developed value statements which they use in their policies and their code of ethics. These values are intended to set expectations for all involved in the school community. Many of these values already reflect the broader values of restorative justice. They may include respect, truthfulness, dependability, self-control, self-discipline, acceptance, responsibility, and accountability.

Restorative justice emphasizes many of these values and articulates principles based on these values. In his *Little Book of Restorative Justice*, Zehr spells out the basic principles of restorative justice:

Restorative justice . . .

1. Focuses on *harms* and consequent needs (the victims', as well as the communities' and the offenders').
2. Addresses *obligations* resulting from those harms (the offenders', but also the communities' and the society's).