Starving the Beast
School-Based Restorative Justice and the School-to-Prison-Pipeline

by

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ABSTRACT

National mandates to decrease suspension numbers have prompted school districts across the country to turn to a practice known as restorative justice as an alternative to removing students through suspension or referral to law enforcement for problematic behavior. This ethnographic case study examines school-based restorative justice programs as potentially disruptive social movements in dismantling the school-to-prison-pipeline through participatory analysis of one school’s implementation of Discipline that Restores.

Findings go beyond suspension numbers to discuss the promise inherent in the program’s validation of student lived experience using a disruptive framework within the greater context of the politics of care and the school-to-prison-pipeline. Findings analyze the intersection of race, power, and identity with the experience of care in defining community to illustrate some of the prominent structural impediments that continue to work to cap the program’s disruptive potential. This study argues that restorative justice, through the experience of care, has the potential to act as a disruptive force, but wrestles with the enormity of the larger structural investments required for authentic transformative and disruptive change to occur.

As the restorative justice movement gains steam, on-going critical analysis against a disruptive framework becomes necessary to ensure the future success of restorative discipline in disrupting the school-to-prison-pipeline.
The completion of this study would not have been possible without the support of the students and staff at Griffith Elementary whose honest participation and dedication to reimagining justice will continue to inspire me.

I must acknowledge Dr. Gloria Cuadraz, Dr. Beth Swadener, and Dr. Vera Lopez for their tireless support of not only my research, but my growth as a graduate student. Without this dedicated guidance and mentorship completion of this study would not have been possible.

Lastly, I want to acknowledge the volunteers from Trinity Mennonite Church who first introduced me to the mediation process and played an integral role in the development of restorative justice at Griffith school.
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Methodology

“Restorative Justice” is undoubtedly the new buzzword in education circles and being touted passionately by many educators, academics, criminal justice professionals, activists, and others as an alternative to the status quo or the way we as a society both understand and respond to crime. Outrage over the nations’ ballooning prison population, shrinking education budget, the militarization of schools, and criminalization of children has led many schools, community organizations, courts, and prosecuting agencies to turn toward "restorative justice" as an alternative to suspension, arrest, and removal from school. Studies primarily analyze the efficacy of these particular programs against quantifiable goals including reduced suspensions or referrals to law enforcement or alternative placement.

This case study uses discipline data alongside individual oral accounts from teachers, administrators, volunteers, students, and of course my interpretive observation, to provide a critical analysis of Griffith Elementary school’s restorative justice program and its potential to disrupt the school-to-prison pipeline. Ultimately, through participant observation, in depth interviews, and quantitative analysis this study builds a theoretical framework around the principles of disruption drawing from the following primary sources: (Piven, 2006; Gramsci, 2010), literature on caring and validation (Rendon, 2011; Valenzuela, 1999; Eaker-Rick et al, 1996), Critical Race theory (Crenshaw,1995), and the theories of transformative and restorative justice (Zehr, 2002; Claassen, 2008; Agid et. al,
This study discusses the potential of restorative justice in schools to act as a disruptive force challenging reliance on the current ideologies and systems marginalizing our most vulnerable children.

This study makes use of quantitative data as well as demographic and discipline data pulled from the school's electronic data warehouse alongside national figures on discipline. Participant observation along with open-ended interviews of individual students, teachers, staff members, and volunteers comprise the primary modes of data collection. This approach was most appropriate in allowing access to group social and cultural beliefs and attitudes and allowed me to explore best the nexus between the institutional structure of "school" and these individual and group beliefs and attitudes ultimately guiding my interpretation of the data collected against a critical and disruptive framework.

I chose to pursue an inductive "grounded theoretical" approach (Buraway, 2001; Valenzuela, 1991) through which I developed "themes" or "categories" for my findings based on my ongoing interpretation and framing of my empirical data and used these categories as tools of assessment within existing theoretical frameworks. The major themes that emerged over time pertained to conceptions of care and validation experienced by students, teachers, and staff. Race, culture and identity and how issues of race and culture permeated the lens through which students, parents, teachers, and community members saw themselves, their peers, those in positions of "authority" and the institution of the school itself. Disruption and the rate of the physical breaking apart
of community. Taking a critical approach and largely employing a feminist mode of inquiry (Hawkesworth, 2006), sub-themes relating to power, choice, and agency were also omnipresent in my analysis and interpretation of emerging themes relating to the overall fidelity of the restorative justice program and its disruptive potential.

Building theory from the ground up in my chosen approach required I engage in a highly reflective process during the data collection phase and organizing themes or sub-categories as they emerged within constantly evolving larger analytic categories and cross-checking findings or observations against data collected through interviews to further validate my conclusions.

Why I chose Griffith Elementary.

In a way, Griffith Elementary chose me. A culmination of academic and personal factors brought me to restorative justice, and I became passionate about delving deeper into the practice in schools as a way to dismantle the school-to-prison pipeline at its root. I began networking early on to get a feel for the restorative landscape in Phoenix, which I soon found to be quite desolate. Luckily, I was able to make connections with Maricopa County Educational Services Agency inquiring about interning as part of a program that provided re-entry services to previously incarcerated students. Upon finding out funding for that program had been cut, I was advised to contact Griffith Elementary as they, according to MCESA, were the only school beginning to implement a comprehensive restorative justice program. Griffith Elementary, a Title I school situated in a predominantly Hispanic enclave of Phoenix’s East Camelback neighborhood, it turns out,
provided a very rich site to conduct research particularly because Griffith school reflected a demographical situation similar to schools nationally seen to be hit hardest by the school-to-prison-pipeline. Griffith was the first school in the county to begin attempting to implement a full-scale school-wide restorative justice model and was at a critical stage in their implementation when I came on board, (hiring for the critical Restorative Justice Coordinator/Conflict Resolution Leader position). Griffith had fully trained a cohort of 10 teachers who had been implementing the principles within their classroom for about four months. The program also had District support and funding which promised an important level of commitment and longevity for the duration of my study. Lastly, Griffith Elementary serves a population of students found to be most “at risk” of being affected by the school-to-prison pipeline including a large population of students of color with a student body primarily consisting of Latinx, African-American, American Indian, and mixed-race students at about 92% of the total population of 693 students. Griffith's student-teacher ratio was 27:1 and Griffith were also home to a large number of students with disabilities (emotional intellectual, special educational needs, and physical disabilities). A large number of students experienced high levels of adverse childhood experiences (ACES), including poverty, trauma, immigration, parental incarceration, and various forms of institutional, domestic, and community-based violence. Griffith's designation as a "high needs" school situated in a District with historically higher levels of poverty, transience, high levels of community racial/ethnic diversity, provided an opportunity for an intersectional dissection of the various institutional and cultural pieces at play when discussing potential disruption of the school-to-prison-pipeline.
Participant observation.

Prior to beginning the data collection phase of my research, I was hired by Balsz School District to work full-time (40 hours per week from 8:00 a.m. to 4:30 p.m.) as the Conflict Resolution Leader at Griffith Elementary School, the K-8th site of my case study. I was hired October 31st, 2016 although I had been volunteering with the school social worker since August of that year. My position allowed me essentially unrestricted access to teachers, parents, students, administration and other members of the school community on a daily basis and in a variety of capacities including direct implementation of *Discipline That Restores* ("DTR") (the chosen restorative justice model). I participated as a mediator, circle keeper, instructor, and coordinator, as well as, attended trainings, was involved in team-meetings, and participated in other educational and cultural related school events such as dances, sports events, school-board meetings, clubs, and staff social gatherings where information or data was observed and collected².

My dual role as a participant observer and researcher as well as school employee required continued reflexivity about how these roles, both insider and outsider, shaped not only my perception and understanding of interactions and events but how others' behavior might have been shaped by either role (Chaudhry, 1997). My permanent fixture as a part of the school allowed me to build important confidences and gain the trust of both students and teachers—but particularly students—and allowed for deeper levels of understanding which further contextualized my findings. As a young brown-skinned woman of mixed race, I was often perceived by the students (predominately African-

x
American and Latinx) students as “knowing how it was” or sharing an understanding on a deeper level than the predominately white teaching staff. This assumption made by the students afforded the opportunity to learn more intimately the experiences of the students particularly regarding how race and culture shaped their experience; challenged however, by the personal identity I assumed for a predominant part of my life having grown up in a white family. Having been identified by the students as a person to be trusted based on my physical appearance and the assumptions made about my race and culture encouraged me to engage in a process by which I was constantly questioning my own racial identity and the assumptions I made about the racial identity of others. I analyzed how I was being perceived by both staff and students and the realization of my unique positionality situated as both an insider and outsider amongst the marginalized student and community populations. Observations regarding race and culture made based on this positionality became a focal point of my study.

I recorded my field notes which consisted of my daily experiences and observations, casual conversations with students, teachers, staff, parents, volunteers, and community leaders in a single composition book as well as took voice recordings on a hand-held recorder which I ultimately uploaded and coded based on “theme” onto my personal laptop. My status as researcher allowed me the privacy and confidentiality above and beyond institution requirements necessary to facilitate open and honest conversations particularly with students who expressed on numerous occasions feeling that they could trust me and felt safe expressing themselves in ways they would not typically feel safe doing in a general classroom. Early observations and findings directly
shaped the questions I later asked during my one-on-one open-ended interviews and observations made as a participant observer informed the basis of my theoretical inquiry. Ultimately my observations as a participant observer enabled me to lay important groundwork for my study as a whole.

Interviews

I began interviewing participants in March of 2017 and interviews were completed by May of 2017. I conducted 15 open-ended interviews which took place during school-hours during teachers' prep or planning periods, students' special area classes or "genius hour," and outside of the school at a casual meeting place for the volunteers interviewed. I explained to each person interviewed the principle of confidentiality, the purpose of my study, and that nothing they said would compromise their position at the school, treatment at school (including how I treated them) and that I would not use their real name. Participants also signed consent forms with information regarding the study as well as their rights including parental consent and child assent for students. Though I took special care to emphasize my role as researcher and implored honesty and transparency from participants, I remained constantly reflexive of my position as the Conflict Resolution Leader and how my role as such might have impacted the manner in which each participant interviewed. I did enjoy a great rapport and trust with students, teachers, and administration, as evidenced by, their willingness to confide in me or seek my advice or assistance with interpersonal conflicts or issues. Interviews lasted on average 40 minutes—with some interviews lasting 25 minutes and some over
an hour— as time constraints (working around teaching and learning schedules) proved a barrier to conducting interviews at longer lengths. All interviews were conducted in English and all those interviewed spoke and understood English. I tape recorded all interviews and assigned each participant a pseudonym which I recorded in both an electronic file assigned to this study and in a handwritten notebook with other data about the study all of which I kept in my possession at all times. Participants were invited to be interviewed based on my observation, experience, or knowledge of their participation in or with DTR. I chose students who had participated in multiple mediations either with teachers or other students, had participated in a re-entry circle or other support circle, or a family conference (group mediation).

I chose a variety of students hoping to provide an expansive picture of the experience of minority students (student population is majorly Hispanic/Latinx with a majorly white teaching and administrative staff) female and male students, higher achieving students, special education students, English language learners, and first-generation students where possible. My primary focus in selecting students to be interviewed, however, was the depth of participation in the program—particularly in regards to student-teacher mediations, support circles, or family conferences. I chose these individuals particularly because the student-teacher relationship acts, many times, as the starting point for conflict that ultimately removes the child from the classroom. I chose teachers to interview in much the same manner. I identified through participation and observation teachers who had participated in a number of student-teacher mediations, support circles, or family conferences—with particular emphasis, again, on the student-teach
teacher mediation. I wanted a representative sample by grade-level and so interviewed teachers who taught at the middle-school level (grades 7/8), elementary level (grades 3,4,5) and Kindergarten.

All teachers came from “Cohort One” or the first group of teachers trained in DTR as these teachers had the most experience with the program. I also interviewed an administrator (assistant principal) and school secretary to gain an understanding of the experiences of administration and support staff to augment my observations and gain a better understanding of the program’s impact on total school climate and culture. All those invited to take part in the interviews agreed and interviewed with enthusiasm. I offered no "reward" or incentive for participation for adults—I gave students their favorite candy bar to eat while being interviewed and students also chose which "special" area class they would most like me to pull them from for or the interview. This provided a sort of motivation or incentive for participation, though all students eagerly participated. Rarely did students miss the entire class period to participate in the interview. I, unfortunately, did not conduct any one-on-one in-depth interviews with students’ parents due to time and scheduling constraints but was able to record the experiences of parents through conversations during facilitation of family conferences and support and re-entry circles. A note about the demographic information presented regarding each participant is observational or voluntarily offered in the course of my participant observation. I included a demographic questionnaire for adults to fill out and return—however, few returned the survey, and so I discontinued its use.
Documentary evidence.

While gathering observational and interview data, I also obtained and utilized various pieces of documentary evidence in contextualizing and supporting my findings including written respect agreements and documents produced as part of the conflict resolution process, letters, memorandums, and the Balsz School District Handbook. I also utilized the District Data Warehouse, “IBM Cognos Workspace” for analysis of data, school demographical information, as well as student databases for individual information on specific students including personal demographic information, academic records, and discipline information. All information reported is protected in this study by the use of pseudonyms when referring to any one individual student. Most information gathered from this data source was used as ancillary, contextual information to better interpret my findings. Tape-recorded student, teacher, and staff interviews were also used as documentary evidence to which I referred in coming to conclusions and analysis.

Introduction

Blueprint Alternative Education Services, a “Kids at Hope” institution, ironically looked less like a school charged with providing its students with hope and opportunity for social and academic success and more like a final stop on the proverbial path to imprisonment—the visual almost cliché. As I pulled through the opening in the chain link large enough to fit a single vehicle and into a largely empty and overgrown parking lot, I felt my blood pressure spike. Being no stranger to prisons and detention facilities, I took a deep breath and reminded myself this was only a school—an alternative school for
children suspended past the maximum allowance of 10 days at their “home” schools—but a school nonetheless. I walked through another opening in the chain link and down a series of steps, the school itself being half underground resembling more of a war-time bunker than an educational institution— and just as ancient. I was greeted by a security guard as I stepped into the small windowless “lobby” the space existed as a point-of-entry between the outside and the rest of the school including the actual lobby. I smiled and announced I was there to see Mr. Paris, the principal; we had a meeting scheduled with one of the students from Griffith to discuss his return to school. I walked through the metal detector, unsearched, prodded or wanded, and into a large tiled room largely empty save for the receptionists’ desk. The receptionist advised Mr. Paris would be in shortly—he was attending to a few matters that morning, but she would call for Julio so we could begin our meeting. I nodded as she led me through a door and into a small rectangular room off to the side of the “lobby.” The room appeared to be a designated food storage area save for a small table and two chairs. I sat down, nervously shuffled through my bag looking for my notebook and list of questions I intended to ask Julio. Just as I had situated my things on the table, Julio entered the room with a perplexed look on his face carrying a breakfast tray. Mrs. Carroll, my principal, told me largely what to expect—as I had never met Julio who had been at Blueprint since September of that year (it was now December, and I started in October). I was still surprised at this 13-year-old boy's small and unimposing stature particularly in relation to the general sentiment regarding his character. Julio indeed "looked like a fourth grader" (Observation, December 7, 2016)—short, thin, and nervous as he shuffled into the seat across from me. I introduced myself,
explained my role at the school and why I was there to see him. He nodded when I asked if he had been told he was returning to school. When I asked his feelings regarding his return, he shrugged and said: “I don’t know.” I got a lot of “I don’t knows” from Julio that morning, but managed to learn that despite the dreary appearance, constant surveillance, and imposing nature of Blueprint, Julio had thrived academically in a way he had never been able at Griffith. When I asked him what his grades were like he smiled and said “A’s, B’s and C’s,” at “Griffith I had F’s.” (Observation, December 5, 2016).” When I asked him why he thought his grades were better, he stated, “well the work is easier for one and the teachers here care, they actually help you.” I started explaining to him what to expect at his re-entry circle, who would be participating, and what the goals would be and ended by emphasizing that ultimately the purpose was to ensure that he was successful at Griffith. I handed him a copy of the 8th-grade Respect Agreement, and as I started discussing the agreement with him, Mr. Paris came in. Standing over 6 feet tall, stocky in stature, a middle-aged African-American man, Mr. Paris seemed to epitomize the sort of “tough love” one envisions when they envision the principle of a school for “wayward youth.” Julio folded up the paper and quickly put it in his backpack. Mr. Paris advised he would be at Julio’s meeting that Monday and proceeded to discuss with me the progress he had seen in Julio—Julio’s strengths and some of his challenges. Mr. Paris placed his hand on Julio’s shoulder and explained Julio had a great deal of anger—some of which they were able to discuss as being attributed to the recent divorce of his parents. Mr. Paris explained that Julio struggled when it came to empathy and many times would lash out at other students, taking his anger out on others. I appreciated the information
and told him I looked forward to his contributions at Julio’s meeting—but when my eyes
shifted back to Julio, he looked embarrassed. I assured Julio this meeting was being held
to support him, I encouraged him to think of the things he might need and explained that
unlike typical meetings he had attended in the past—he had a voice, and we valued his
input, as after-all this was about him. The puzzled look on his face led me to believe this
was a concept he did not seem to fully comprehend. I shook his hand and told him it was
nice to meet him. He thanked me, grabbed his backpack and hurried out of the room. I
gathered my things thanked the receptionist and headed back out to my car. As I left
Blueprint in the early morning sunshine I felt hopeful, I knew I was up against some
precipitous odds, that even convincing administration and Julio’s teachers to participate
in his restorative re-entry circle had been challenging and while supported met with
lackluster enthusiasm. This was not Julio’s first stint at Blueprint and originally was only
being brought back to school to free up space for another student whom was believed to
“need Blueprint’s services.” Julio had, according to Ms. Carroll, a one-way ticket to long-
term suspension waiting him, all we had to do was wait for him to “mess up” and violate
the contract to which he was being placed and the school would have enough
“documentation” to move for long-term suspension; a fate that would surely prevent Julio
from re-enrolling in any other public school and a fate that would make it very difficult
for him to attend public high school in the coming fall. Consequently, long-term
suspension would seal his fate permanently drastically increasing his chances of dropping
out of school and ending up in the juvenile justice system where his chances of becoming
an adult offender would increase by 50% (Hermanns, 2017).
As we sat around the table discussing how Julio’s circle would work and inviting his teachers to participate the general sentiment was “I know this kid, I don’t want him in my class.” (Observation, November 20, 2016). I heard about how Julio was perceived as a “predator” sexually harassing female classmates, how he was a bully, how he would ditch class,” “was failing,” and the list went on and on. Finally, Mrs. Carroll at first skeptical herself of my approach, admonished the teachers for their negative attitude imploring them to keep an open mind about Julio. She encouraged them to believe he could succeed instead of setting him up for failure; after all, that was why Griffith had to decide to transition from a punitive to restorative approach to discipline, and that meant walking the walk when it came to the most challenging students. I knew I had been given this leeway as the Conflict Resolution Leader to start to change the way things had always been done to provide a different way of relating to even the most “hopeless” kids. The child I saw before me today represented a new hope, a challenge to rise above the old paradigm of punishment and retribution to one of accountability and support. Through care, support, and through the implementation of restorative practices Julio would find success at Griffith and beyond, or so I hoped.

I open with an anecdote detailing how I first met Julio, for my experience with Julio so perfectly illustrates a typical experience for a child, particularly of color, in educational institutions today and how children are being pushed out of schools and into the juvenile justice system. Various school districts across the country are beginning to use restorative justice (also known as restorative practices) as an "alternative" to suspension and way to transform school culture ensuring children receive high-school
diplomas instead of criminal records. Do school-based restorative justice programs have the potential to disrupt the school-to-prison-pipeline by operating under a philosophy that delegitimizes arbitrary punishment such as suspension, expulsions, and incarceration as given or even viable solutions to conflict?

This study documents the story of one school's journey toward restorative justice—through the experiences of students like Julio, teachers, administrators, community members, and my own interpretation. A journey Griffith Elementary hoped would eventually create a paradigm shift in the discipline of children with the purpose of keeping kids in schools, reducing disparities in suspensions (who and how often) and creating an inclusive and expansive learning community. What follows provides a critical overview of the crisis of incarceration from schools to prisons—the why and the how—including the history of the retributive justice model to which we as a nation hold ideal and why restorative justice challenges that ideal. Finally, a detailed case study provides data and experience from broader conclusions can be made regarding the potential of restorative justice in schools to work as a social movement to disrupt the school to prison trajectory.
CHAPTER 1

LOCKED UP AND LOCKED OUT: THE NATURE OF THE BEAST

“There is little grace in punishment. Only justice.” --Newman

To understand the school-to-prison pipeline and what Julio’s experience of removal from the classroom due to multiple suspensions and enrollment in alternative education meant about his seemingly fated journey down the pipeline we must first understand the nature of the beast itself. We must first understand where the need to punish over repair originated and why removal and incarceration are seen as just reactions to interpersonal conflicts. We lastly need to understand why certain populations are disproportionately affected by the retributive and punitive model of justice that permeates every aspect of our justice system all the way down to our elementary education systems. To assess any one program’s potential to disrupt or dismantle a system so ingrained in our conceptualization of justice, we must learn what we are up against; we must understand the beast’s story of origin.

People assume there has to be crime; it is not natural, we don’t have to have crime—it’s a symptom of maladjustment. -City prosecutor, City of Phoenix
(Observation, April 9, 2017)

The modern criminal justice system, developed historically as a way to enforce the notion of the “social contract” was originally attributed to the ancient Greeks, but gained considerable currency during the Age of Enlightenment in the 17th and 18th
centuries. Philosophers Thomas Hobbes (Leviathan 1651), John Locke (Two Treatises on Government 1690), and Jean-Jacques Rousseau (Du contrat social 1762) provide the basis of the concept by which our social contract is founded. Essentially, “all people in society freely and willingly enter into an agreement to form society by giving up a portion of their individual freedom for the return benefit of protection. If one transgresses against the right of others, one has broken the social contract, and society has the right to punish” (Pollack, 4, 2005). Punishment is defined as a “pain or unpleasant experience inflicted upon an individual in response to a violation of a rule or law by a person or persons who have lawful authority to do so” (Pollack, 4, 2005). The social contract is an integral and necessary component forming the foundation of the retributive rationale forming much of the basis of our current criminal justice and penal systems. The retributive rationale relies on the notion of citizenry to punish asserting—in fact—that by forcing an individual who has violated the social contract to suffer the consequences of her actions she is afforded the rights of an equal citizen (Pollack, 4). Here we see the beginnings of punishment as a necessary component of citizenry—the glue which holds together the social contract and normalizes the morals of society as codified into law. Herbert Morris explains that “[to] do anything other than punish is to treat the person as less than equal, perhaps even less than human” (Pollack, 5). Consequently, the retributive rationale states that punishment is not akin to evil in need of justification, but represents the natural order of things.
The second principle providing the foundation for the current ideological structures making up our criminal justice system is the principle of utilitarianism. Unlike the retributive rationale for punishment, utilitarianism sees punishment as inherently evil, only to be justified by a resulting greater benefit. This concept is important in understanding the rationale for current systems of punishment in that so long as the punishment is meant to deter, incapacitate, or rehabilitate the offender—thus keeping society “safe” and serving the greater good—punishment is just and necessary. The concept of deterrence is exemplified in Jeremy Bentham’s “Panopticon” acting as the invisible eye always watching—ready to deliver swift and effective justice to any that violate the social contract (Pollack, 7). Historically, modes and methods of punishment have differed with incarceration in a penal institution being the most recent and some would argue—the most draconian. Punishment, historically, has aimed to target one’s possessions, one’s body, or one’s psyche (Pollack 7). Early forms of punishment focused on the physical body such as practices including public flogging, being placed in stocks, whipping and other colonial forms of physical humiliation. Forms of physical punishment gave way to a rise in the dispossession of property and the waging of hefty fines as a primary mode of punishment (e.g., the debtor's prison). Prior to the American Revolution criminal codes, punishments, and courts—functions of the social contract—varied from colony to colony localizing autonomy over enforcement of the social contract (Early Years of American Law, 2016). The arbitrary and capricious nature of this enforcement, as well as the "barbaric" nature of the punishment, formed the basis of the widespread use of the prison to punish individuals. The prison replaced (for the most part) physical
punishment and execution as primary means of maintaining order (Early Years of American Law, 2016). The philosophy of imprisonment presented a culmination of the paradigm of punishment and the social contract based on early historical notions of conservatism and liberalism and became the foundation for the unified national system of criminal justice we know today. The prison quickly became the favored mode of enforcing the social contract and throughout history has been a place focused on upholding the values of both conservatism and liberalism, that is incapacitation and rehabilitation. Rehabilitation, currently, has all but been largely abandoned and is arguably nonsensical in an environment engineered to attack not only physical bodies, but possessions, and most notably psyches of the individuals it devours (Pollack, 2005).

The prison then, while still historically somewhat of a new innovation quickly became imbedded into our collective consciousness and justice became defined as a punishment that fit the crime. As a society, our collective consciousness is obsessed with justice. Just tune into any one media outlet and be bombarded with stories about crime and punishment—be they fictional police dramas such as the long-running crowd pleaser “Law and Order;”, or podcasts detailing the investigation of homicide and possible wrongful conviction like the popular series “Serial.” We are fascinated with courtroom dramas and follow real-life trials as if they were fictional dramas thanks to the birth of Court TV popularized during the heavily publicized O.J. Simpson trial spawning a new era of “Nancy Grace” type crime entertainment reporting. Likewise, the prison, and the very experience of incarceration, has also been a long-standing source of voyeuristic entertainment with shows like “Oz,” supposedly giving viewers an intimate look at the
politics of men behind bars. Reality T.V. favorites like “Scared Straight” use the experience of incarceration as a way to literally scare juveniles straight and away from a life of crime by allowing them to live in prison for 24 hours. Sultry dramas about the experience of female incarceration in the Netflix original Orange is the New Black sexualize and glamorize the experience of incarceration.⁹ We are taught in schools at an early age to respect and revere our criminal justice system, and even that, as I remember hearing countless times in high school and college while studying to become a paralegal, it is “the best in the world.” Our justice system has become such a staple in our modern entertainment world that even if a person has never had direct experience with our criminal justice system, the ideas that he or she holds about crime, criminals, punishment, and ultimately justice reveals an omnipresent reflection of the current social contract. These beliefs serve as the basis for the continued justification of the retributive rationale in prisons, the criminal justice system, and in schools. The social contract creates an illusion of justice in the form of “fairness” where every citizen is given a fair shake at success bartering a little bit of freedom for the protection needed to achieve the dream. The burning question waiting for an answer, however—protection from what and protection from whom, exactly? The answer, it seems, is lurking in our school detention halls, our alternative schools, our juvenile detention centers, our jails, our prisons, our immigration offices. The answer seems to be staring out at us from behind windows, through bars, in the back of classrooms, in the face of boys like Julio—visible yet invisible. They say justice is blind, but when we look closely beneath the battered and torn blindfold, we see her eyes are very much open.
The Prison Industrial Complex; Mass Incarceration, and the Bodies that Feed the Beast

The rise of the prison and the development of a culture that equates punishment to justice set the stage for what has become coined by scholars such as Michelle Alexander as a “crisis of incarceration.” (Alexander, 2012). The prison, remaining the dominant form of punishment and the seemingly only legitimate model of justice and enforcer of the social contract has also become a dominant force of capital accumulation. In our market-driven economy particularly with the rise of neoliberalism and an embrace of much of what comprises market fundamentalism our system of “justice” has become both a product and necessary component of capitalism. Young asserts that in advanced capitalistic societies such as the United States, “[government] creates institutions and develops policies explicitly aimed at promoting the long-term interests of capital accumulation” (Young, 68, 2011).

Therefore, the commoditization of bodies into a system of capital exemplifies the perversion of justice in the form of "punishment," as a deterrent to violations of the social contract, to a system maintained and operated to ensure its very autonomous existence. A system maintained to reinforce social hierarchies by manipulating the social contract to ensure a constant source of bodies in the form of capital. Of course, all possible and accepted under the guise of equality and impartiality, a notion of justice steeped in the socially normative values of the status quo and the same conservatism serving as the basis of a market-driven economy.
To understand the relationship between the prison system and the market the term “prison industrial complex” was introduced by scholars and activists to contest prevailing beliefs underlying the notion that “increased levels of crime” were the cause of rapidly rising prison populations. Scholars and activists instead argued that prison construction and the “attendant drive to fill these new structures with human bodies” has been driven instead by “ideologies of racism and the pursuit of profit” (Davis, 2005, 84). Social historian Mike Davis is credited with first popularizing the term “prison industrial complex” (PIC) in relation to California’s penal system in the early 1990s which began to quickly rival agribusiness and land development as a “major economic and political force” (Davis, 85).

The life and scope of the PIC rely on the continuation of the widely held belief in the legitimization of the prison as a primary and necessary mode of punishment for individual crimes or violations of the penal code (and social contract). The perpetuation of the PIC hinges on the belief in its necessity to deter or prevent crime; when in actuality, a thorough understanding of the concept of the PIC shows us how the punishment process is intricately linked to economic and political structures and ideologies. The expansion of reliance on prison profit by companies with global markets during a time when crime was decreasing, we are left to wonder how such widely held beliefs about crime and punishment continue to thrive and bolster support for a system that mounting research has shown does not serve people—but the market. The answer lies in the system’s principal motive—a motive for which capital accumulation acts as a fortuitous consequential opportunity versus a singular catalytic force; a motive which
uncovers the blind eyes of justice and makes visible the market’s ubiquitous “invisible hand.”

The whole problem is really the blacks; the key is to devise a system that recognizes this without appearing to. - H.R. Haldeman

The prison-industrial complex— not originally motivated by profit—was created to exploit the nation’s racial divisions for political gain. The victories gained during the Civil Rights era were tremendous in securing more rights for African-Americans and other marginalized populations, however, the rise of the prison population and the undeniable reality of the color of the faces filling cells is evidence of the continual backlash against not only the Civil Rights movement but ultimately, the abolition of slavery, loss of capital and political power. The Southern Strategy engineered by the Republican party during Richard Nixon’s 1968 candidacy and his subsequent presidency by Senator Barry Goldwater and Nixon’s chief of staff Harry Robbins "H.R." Haldeman developed strategies to court working-class Democratic whites enticing them to leave the Democratic party.

The Southern Strategy aimed to do this by selling racially coded rhetoric related to "law and order" in the form of an endorsement of states' rights packaged and parcelled to prey on the uncertainty of a society adjusting to the new political victories of the Civil Rights movement and coming to terms with the political power of blacks and other minorities, particularly in the South, where historical racial divisions were still very prominent (Aistrup, 1996). Campaigns then purposefully acted as fuel targeting, most
specifically African Americans, but other marginalized and minority groups as well, by perpetuating stereotypes preying on the insecurities of working-class whites fearful of the gains made by African Americans. Campaigns attempted to persuade working-class whites to defect from the Democratic party (and New Deal Coalition) and join the Republican Party in droves (Alexander, 2012). The Southern Strategy set in motion and continued to perpetuate the harmful stereotyping and charactering of Blacks and other minorities continually used throughout Reconstruction and in support of Jim Crow using instead the veil of politics, and an emphasis on the conservative values of freedom, law and order, and states’ rights. Ideologies that began to obfuscate the very real and very racist motivation behind the use of the criminal justice system to solve the political "problem of the blacks without appearing to do so," The battle for votes and the white working class spawned decades of policy including the militarization of the police in President Reagan's declaration of a "War on Drugs." The War on Drugs perfected the art of "excision of the language of race from the conservative public discourse" building on the strategy of exploiting racial hostility for political gain while painting a very racialized picture condemning "welfare queens" and "predators Reagan's drug war spawned millions of dollars spent to outfit both federal and state law enforcement agencies for an ‘actual' war, with the development of paramilitary-style SWAT teams, all the while manipulating the American people into believing we were actually engaged in a war. Reagan continued to use "racially coded" language and propaganda to paint a picture (indirectly) of whom we were fighting.
With mounting fear and consequent support from working-class whites (and others) who appeared to vehemently support a "tough on crime" political position, Democrats under President Bill Clinton passed the now infamous 1994 Violent Crime Control and Law Enforcement Act to win back those same working-class whites that had defected from the Democratic party (Alexander, 2012).

With the 1994 Crime Bill, came a flush of zero-tolerance penalties for a host of different offenses (while also creating new federal offenses, many non-violent drug offenses). These offenses included federal “three strikes” laws which mandated life sentences for third-time offenders, expanded the length of time a prisoner must serve before being eligible for parole, and dramatically increased the budget for the construction of prisons and detention centers. The bill made it much harder for those convicted of crimes to seek federal Habeas Corpus relief through the Anti-Terrorism and Effective Death Penalty Act (1996)\(^{12}\), all of which trickled down to states through the promise of grant money and other political kickbacks (Alexander, 2012). Clinton rode a politically motivated wave beginning with Nixon using the national predilection for justice in the form of retribution to incarcerate over two million people, an overwhelming percentage people of color, consequentially rendering them civically and politically invisible. in the largest explosion of the prison system to date in a solution that not only met political aims—but capital aims as well; an ingenious solution to which "mass incarceration" was born.
The prison-industrial complex then, is perpetuated not only through direct links between private companies (including private prisons) and state systems of punishment, but through media outlets, schools, and other institutions that propagate and perpetuate negative stereotypes and beliefs about the sort of people who defy the social contract—the people who are determined to be criminals. Social structures and institutions reinforce who is criminal and how to deal with them versus critically examining the larger structures of racism and inequality from which the very system evolved. The expansion of the prison system in the U.S. and throughout the world "relies on and further promotes structures of racism" and other forms of discrimination and oppression (Davis, 86). The prison exemplifies the resting place of bodies socially engineered to "break the contract" legitimizing, in the eyes of society, their forced removal from it.

When School Looks and Feels like Prison: from Pathways to Pipelines

“This school is a prison!”-white female 5th-grade student (Observation Feb.13, 2017)

Historically, schools have served a dual educational function; the first being to educate children academically—the second according to scholar Aihwa Ong, (2006) is the formation of what she terms “social technology” or the construction of modern ethics, knowledge, beliefs, attitudes, and skills. Essentially, according to Ong, schools operate largely to train morally normative and economically productive citizens for the nation (139). Elementary education systems, arguably more than any other institution, function as primary mechanisms of social control and conversion and at the root of student non-conformity we find cries for agency and autonomy in the form of resistance. Schools
function as initiations into the social contract—the same contract engineered to normalize the values of the status quo. We can see the evolution of school discipline policies mirror the evolution of the juvenile and criminal justice systems creating a literal pipeline from school-yards to prison-yards in a term known as the school-to-prison-pipeline. The school-to-prison-pipeline (STPP) represents the intersection of the K-12 educational system and the juvenile justice system supported by various legal, structural, and social/cultural practices in education including denial of quality educational services to marginalized youth, the push-out of marginalized youth based on prioritization of high-stakes test scores, and reliance on punitive discipline practices that criminalize student behavior. Children learn early on who they are expected to be and whether they ultimately live up to that expectation, schools being the first most influential mirror through which individual identity forms. It comes as no surprise, then, that the notion of "crime and punishment" and legitimization of the foundation of our current criminal justice system start with the discipline systems utilized in school.

Legally locked out; and the rise of zero tolerance.

Zero-tolerance policies and practices in the criminal justice system such as “three-strikes,” born at the federal level but trickled down to state criminal justice systems also found their way into the public education system. The Gun-Free Schools Act passed in 1994 was the first piece of legislation passed relating to school discipline. The Gun-Free Schools Act[^13] mandated a one-year suspension for any child caught with a firearm at school. A year later, Princeton criminologist John Dilulio published a study in which he
estimated there would be a three-fold increase in violent juvenile crime by 2010. Dilulio also characterized and again racialized the type of juvenile that would commit these violent crimes as belonging to a generation of children raised in a "moral poverty." This sentiment echoed age-old stereotypes catapulted to the fore-front of public consciousness by "tough on crime" rhetoric and the War on Drugs, again perpetuating images of the "absent black father, the welfare queen, and inherently deviant communities." (Bennett, 1996). Dilulio described these new kinds of juveniles as: “…radically impulsive, brutally remorseless youngsters, including ever more pre-teenage boys, who murder assault, rape, rob, burglarize, deal deadly drugs, join gun-toting gangs, and create serious communal disorders. They do not fear the stigma of arrest, the pains of imprisonment, or the pangs of conscience. They perceive hardly any relationship between doing right (or wrong) now and being rewarded (or punished) for it later. To these mean-street youngster, the words “right” and “wrong” have no fixed moral meaning.” (Dilulio, 1995)

Dilulio is attributed to normalizing and popularizing the term “super-predator” causing a national moral panic paving the way for a plethora of additional juvenile crime bills mirroring the adult zero-tolerance bills enhancing punishment, easing requirements for transfer to adult court, and lowering the age of criminal culpability (Bennett et al., 1996). According to the National Center for Education Statistics, during the 1996-1997 school year, 91 % of public schools imposed zero-tolerance policies for weapons other than firearms, 87% had zero-tolerance policies for alcohol, and 88% had such policies for drugs, still 79% of schools had zero-tolerance policies for violence, and 79% also had such policies for tobacco violations (Kim et al, 2010). In the 20 years since Dilulio’s
“super-predator” theory, and following several sensationalized school shooting incidents such as the 1999 Columbine High School shooting, states and localities have expanded zero-tolerance to apply to the suspension or expulsion of children from school for everything from weapons, drugs, smoking, and fighting to zero-tolerance rules that impose automatic suspensions for minor and oftentimes discretionary offenses such as dress-code violations, truancy, or tardiness, defiance. Unlike federal zero-tolerance laws, zero-tolerance rules usually do not permit for case-by-case exceptions as one of the hallmarks of zero-tolerance is “the automatic imposition of a predetermined penalty for a given form of misconduct, misconduct. Misconduct which oftentimes threatened only the school’s authority (power) and not safety, without consideration of the individual circumstances such as the student’s age, cognitive capacity, or even the existence of intent.” (Kim et al, 2010). Due to the adoption of zero tolerance policies nationwide, the number of students suspended in a single year (2009) reached 3.3 million which is double the suspension rate in 1976, this number not including the 100,000 students expelled from school that same year under zero-tolerance policies (Equal Justice Initiative, 2014). While Dilulio has since rescinded his earlier findings and debunked his own “super-predator” theory as unsubstantiated myth the impacts his rhetoric had on youth—largely and predominantly youth of color— are still felt today. DiLulio’s super-predator theory helped to throw fuel on the fire started with Haldeman’s “proposed solution to the problem with the blacks,” Reagan's War on Drugs, and Clinton's "get tough" policy overhauls on crime—all part and parcel to the political backlash to the victories and perceived threats associated with the Civil Rights era. The truth remains, apart from a
brief uptick in juvenile crime following national adult trends in the early to mid-1990s, juvenile crime has been steadily falling and subsequently so has juvenile incarceration. At the height of juvenile incarceration at the turn of the century (1999), there were an incredible 107,493 children in juvenile secure juvenile facilities (not to include children incarcerated in adult facilities). While the number of incarcerated children has significantly decreased across racial/ethnic lines (with 70,792 held in secure facilities as of 2015) gross disproportionality at which certain children still enter the juvenile justice system gross disproportionality remains—certain children still enter the juvenile justice system at a higher rate. A disproportionality that has actually, in some cases increased, ensuring that a disparate number of low-income black and brown youth, youth with disabilities (including those experiences one or more ACES), and other marginalized youth continue to feed the beast (U.S. Department of Education, OCR, 2014). At the other end of the pipeline, as a result of zero-tolerance laws and rules, the same marginalized and vulnerable populations are suspended and expelled from schools at a grossly disproportionate rate nationally. The U.S. Department of Education, Office for Civil Rights found that between 2011 and 2012 White students accounted for 51% total enrollment accounting for 36% of the single out of school suspensions issued, 31% of the multiple out of school suspensions issued and 36% of the expulsions. Likewise, African American students accounted for only 16% of enrollment but accounted for 31% of single out of school suspensions and 42% of multiple out of school suspensions and 34% of expulsions. American Indian/Alaskan Native students also suffer high rates of disproportionality in suspension and expulsions accounting for only .5% of students
enrolled but making up 2%-3% of students suspended from school once, multiple times, or expelled. Latinx students, nationally, did not suffer disproportionate rates based on their enrollment. However, the rate at which they are suspended compared to enrollment (at 24% with suspension rates at 21%-23% and expulsion rates at 22%) teeter on the edge of disproportionality. With heightened discrimination against Hispanics and Latinx in the Trump era, one can imagine these numbers are not likely decreasing. (Appendix A: U.S. Department of Education Office for Civil Rights; Civil Rights Data Collection, 2014)

Policies like President Obama’s Every Child’s Succeeds Act (2016) aimed to provide relief after research illuminated how Bush’s now infamous No Child Left Behind Act (2001)\(^\text{18}\) encouraged the removal of students from schools who were thought to be under-achieving thus bringing down test scores and graduation rates. The ESSA shifted the focus from performance-based indicators of school successes to a more holistic approach in guaranteeing the success of students and schools by providing schools with funding to create more local-grassroots initiatives to meet the needs of their communities and improve their schools. As of August 2017 (during the writing of this study) it should be noted that the Trump Administration repealed portions of the way that schools are required to report school accountability plans under the ESSA. The impacts are foreseen, thus far only at the federal level, with little impact prospected on the way local schools implement ESSA. Congress also passed the Juvenile Justice and Delinquency Prevention Act recognizing the pervasive and marked disproportionate treatment of black youth within the juvenile system providing funds for states to identify
and take steps to "ameliorate the disproportion." However, no state's funding has ever been reduced for non-compliance to date (Rutherford, 2004). There exists little remedy for children pushed out of school due to a violation of a zero-tolerance rule or policy other than filing a legal challenge to the procedural or substantive due process rights of the child (Kim et al., 2010). Zero-tolerance policies largely contribute to not only the pushing out of marginalized students but to the denial of the intersectionality of all of the factors (race, gender, nationality, sexual orientation, socioeconomic status) that greatly impact the identity of these students contributing to the devaluing and albeit erasure of such identity.

Physically locked out: and the “prisonization” of our schools.

When you first walk in, you got to take your shoes off; you got to take your coat off. And a lady or man searched through your coat and then you getting patted down by the other one. You get patted down just to be able to go upstairs to the metal detector. Then, at the metal detector you got to take your belt off, you got to take your shoes off, you got to take your coat off, and all your jewelry. And then you go through the metal detector, and then you get wanded. Then they check your shoes and coat again. And then you put your shoes back on. And you’re not allowed to wear nothing with no zippers like a hoodie. You can’t wear a hoodie; you can’t wear nothing with pockets except for your jeans. And you can’t wear nothing with no hood on it. And your coat, you can’t wear no coat.”-Student perspective on alternative education (Weissman, 2015)
Alternative schools, such as Blueprint Alternative Education where I first met Julio, have become an increasingly popular alternative to suspension or expulsion for students pushed out of their regular school due to disciplinary issues. Alternative schools predate “zero-tolerance” with a visionary pedagogy of providing an engaging and rich educational experience for students whom for a variety of reasons, did not thrive in mainstream settings. These schools popularized in the 1960s became part of the civil rights/counterculture movement known as part of the "Free School Movement" which endeavored to be a safe-haven for African American children who were victims of the poor education delivered to children of color. "Freedom Schools" also became a haven for a growing number of students expelled from mainstream schools for asking "provocative questions" about the civil rights movement in the South (Weissman, 2015. However, throughout the early 1970s, and despite the multicultural intentions of many of the founders of these schools, the schools remained predominantly white and largely inaccessible for children of color. The Free School movement, however, with an emphasis on critical thinking and experiential learning provided the beginnings of the challenge to a "one size fits all" model for diverse student populations and the original basis for which the alternative model of education was born.

Ideally, and historically, alternative schools should provide individualized attention and support that is needed for a child with behavior issues to succeed. However, with the rise of zero-tolerance, many alternative schools that may have existed with the goal of providing quality education for those students who did not fit the one-size fits all model, have been largely transformed into warehouses whose primary focus is not on
education and transformation but discipline, punishment, and compliance. Disciplinary alternative schools may operate under a charter, ordinary district rules, or they may be contracted out entirely to private not for profit organizations (like Blueprint Alternative Education Services) and for-profit providers, the latter echoing the capitalist motivation to incarcerate at high-rates to fill contracted beds in private prisoners. Alternative schools largely do not provide special area subjects such as physical education, health, art, or music and many do not advance curriculum that would lead to a regular high-school diploma. Still many do not offer academic counseling, crisis or behavioral intervention (Kim et al., 2010). While the lack of apparent educational opportunity in many alternative schools is indeed problematic, just as troubling, are the physical structures of these schools which often (as was the case when I visited Blueprint) represent that of a fortress-like institution. Old fenced off buildings with multiple physical layers of school security are normalized in an alternative school setting along with metal detectors and other security measures. (Weissman, 2015). Metal detectors, police presence, and other forms of security typically do not prevent the kind of violence experienced by students but do represent a visual reminder to students that they need protection, that they are in a "bad place" amongst "bad kids," and that they, in fact, may be one of those "bad kids." The suggestion further stigmatizing students who attend alternative schools as dangerous or unfit for public school, much the same way we stigmatize criminals justifying their eminent removal from mainstream society. Research on the kind of students typically referred to alternative education—particularly those schools with an emphasis on discipline—unsurprisingly shows that those "bad kids" are disproportionately black and
brown and that our alternative schools—much like our prisons—are filled with children of color. Research shows that the greater the percent minority in a school district, the greater the likelihood an alternative school is present in the district, a similar corresponding relationship is also shown to exist between the rate of poverty in a district and the presence of an alternative school. The alternative school Blueprint, was somewhat of an urban legend around Griffith, particularly amongst the middle school students.

The alternative school Blueprint, was somewhat of an urban legend around Griffith, particularly amongst the middle school students. When a student attended Blueprint that student seemed to take on a certain quality amongst other students—an elevated quality of "badness," "rebelliousness," or "dangerousness" and within some circles, including with teachers, administrators, and school staff this quality stigmatized and marginalized the student even more. At the same time boosting that student's reputation amongst peers. Since educational privacy laws forbid administration from sharing the particulars of any one student's discipline record, or explicitly stating that a student was sent to Blueprint—other than to staff members with a need to know—rumors were pervasive, and the stories surrounding a student’s removal for alternative education would literally take on a life of their own.

There are a lot of really bad kids here….one kid has been here for three years, I think he shot his step-dad or something- 6th-grade white student, on his experience at Blueprint. (Observation, April 17, 2017).
You know they try to bully you just because they are a cop, so it depends on who that cop is really.” - 7th grade African American student, on his opinion of school resource officers (Personal communication, April 20, 2017).

Alternative schools are not the only institutions to have "prisonized" education. In the wake of zero-tolerance and the highly publicized episodes of school violence (none of which curiously occurred at urban schools with a large population of students of color) school campuses across the nation transformed seemingly overnight from centerpieces in a community—open and accessible-- to inaccessible fortresses restricting all forms of student, teacher, and visitor appearance, movement, and interaction. According to the NEA 20 "[i]n the 2013–14 school year, 93% of public schools reported that they controlled access to school buildings by locking or monitoring doors during school hours. Other safety and security measures reported by public schools included the use of security cameras to monitor the school (75 %), a requirement that faculty and staff wear badges or picture IDs (68 %), and the enforcement of a strict dress code (58 %). In addition, 24 % of public schools reported the use of random dog sniffs to check for drugs, 20 % required that students wear uniforms, 9 % required students to wear badges or picture IDs, and 4 % used random metal detector checks. Along with the physical and structural measures put in place for the stated dual purpose of “controlling movement on campus” as well as “restricting student and visitor behavior on campus,” came the increased use of uniformed police officers known as school resource officers (SROs). According to the
National Association of School Resource Officers (2012), school police are the fastest growing area of law enforcement, and according to the U.S. Department of Justice, the number of SROs increased 38% between 1997 and 2007 (Weissman, 2015). Arizona, in particular, passed legislation to expand the presence of SROs including 118 officers in 32 districts statewide (Faller, 2014). There is no standard definition of an SRO, and the functions and duties of these officers tend to vary greatly by district and in individual school settings. SROs perform four roles: traditional law enforcement, education (for example leading D.A.R.E programs), quasi-counselors, and public relations with the bulk of an SRO’s time spent on law enforcement activities. While some schools employ civilians acting as SROs, data suggests that schools employing actual police officers have higher student arrest rates, particularly urban schools and schools with a higher percentage of marginalized students (Weissman, 2015). The presence of uniformed police officers is experienced by students in varying ways depending on the relationship the student has with the particular officer, the officer’s role at the school, and the students’ prior perceptions of and experience with the police in their communities (Weissman, 2015). The rise of zero tolerance saw a rise in the use of school resource officers and law enforcement referrals or "school-based arrests" for increasingly discretionary behavior such as "obscenity, disruptive appearance, and destruction of non-school property. There have been increasing levels of scrutiny of the efficacy of SROs in promoting "school safety," and recent condemnation of SRO’s role in exacerbating the school-to-prison pipeline as research shows a correlation between school-based arrests, juvenile detention, and adult incarceration (Sallo, 2011). Highly publicized incidents regarding SROs have
shown light on this issue in recent years. Two such incidents condemned SROs for using excessive force with two different high-school aged female students of color tackling each student and bringing them to the ground, restraining the students and forcing each’s head to the ground. Each incident involved the student’s refusal to put away a cell-phone and in one student’s case a refusal to leave the class after being asked to put away a cell phone. Each incident was caught on video by the students’ classmates filming the violent and disturbing arrests. In one case, three officers tackled one student standing at 4’10” and weighing 100 pounds (Hider, 2015 and Richardson, 2014). Incidents like these continue to spark a national debate on the criminalization of student behavior and the perversion of school discipline with law enforcement with black and Latino@ youth being overrepresented in every stage of the juvenile justice process from arrest, referral to juvenile court, to formal processing and adjudicated delinquent, or referred to the adult criminal justice system (Heitzeg, 2012). The presence of SROs, metal detectors, drug dogs, fences, security gates, uniforms, and badges may provide some with a false sense of safety—but for students in communities that have been stigmatized and criminalized the “prisonization” of their schools serves as yet another reminder of how their very existence is being monitored, constricted, and controlled and how deviations from the social contract are met with quick and severe punishment. The prisonization of schools remind already marginalized students that society does not trust them, fear them, and in fact, suggests they should be distrustful of and fear each other.

When schools operate as authoritative and oppressive institutions focused on social manipulation and control, “[w]hen children attend schools that place a
greater value on discipline and security than on knowledge and intellectual
development they are attending prep schools for prison.-Angela Davis (Davis,
2003).

School segregation: kids in the hood and the school to prison pipeline.

I want to go to Arcadia next year because I don’t want to go to a ghetto high-
school, our high-school is ghetto.” -8th grade Latino student reflecting on his goals
after promotion and desire to attend a high school in a nearby affluent
neighborhood instead of his neighborhood school. (Observation, May 12, 2017)

The de facto re-segregation of schools, according to scholars, has contributed to
the school to prison pipeline largely by leaving children of color in underperforming
urban schools with little resources and opportunities, failing test scores, and little
funding. As of 2014, and long after the landmark ruling in Brown v. Board of Education,
schools are more racially segregated than during Jim Crow (NPR, 2015). This re-
segregation is contributed largely to “white flight” from the city to the suburbs which
began during a period of deconstruction and a loss of blue-collar manufacturing jobs post
World War II, changing the characteristics of urban neighborhoods significantly and
contributing to high increases of structural joblessness among urban residents with low
educational attainment. Chronic joblessness contributed to growing poverty
concentration and single-parent households. With the loss of manufacturing jobs and
growing levels of poverty, the urban poor became increasingly isolated in older
neighborhoods while the middle class and stable working residents left the
neighborhoods for other areas of the city or suburbs and suburban schools. As racially
coded “tough on crime” policies became laws and schools, particularly urban schools,
became increasingly “prisonized,” white children had left the inner city and children of
color were being removed from schools and into juvenile facilities at alarming rates.
Rather than work to recognize these urban schools as culturally autonomous learning
institutions with differing needs than predominantly white or more culturally diverse
schools—and empowering these schools to take ownership over their practices according
to these needs—schools are often disenfranchised and scrutinized for being
“segregated.” The sentiment is that there is something inherently “wrong” with a school
full of black and brown bodies and the solution often lying in policies to warehouse and
push out the “troublesome” students while moving to integrate the others into “better”
predominantly white suburban schools. Critical race scholar Gary Peller explains that on
its surface integration is understood as the social vision opposed to racism at all levels—
the conscious level by overcoming prejudice based on skin color and at the practical level
by fighting discrimination with the idea of equal treatment according to neutral norms
ending a social system of racial segregation and unequal treatment (Crenshaw et al,
1995). However, rather than removing students of color from underperforming schools
to give them an equal opportunity at a quality education, upon critical examination,
integrationist ideas may further perpetuate the suggestion that students of color must live
up to the cultural expectations of the status quo forcing cultural assimilation and
compliance. While integration assumedly works to create educational equity for all
students, the assumptions underlying integration may intentionally or unintentionally
suggest to marginalized students that their autonomous existence is problematic, that their experience, culture, language, and lifestyle is problematic and that in order to be treated equally they must integrate into a school, culture, and lifestyle to which they had no part in creating (Crenshaw et al., 1995).

Integration as a goal speaks to the problem of blackness, not only in an unrealistic way but also in a despicable way. It is based on the complete acceptance of the fact that in order to have a decent house or education, black people must move into a white neighborhood, or send their children to a white school. This reinforces among both black and white the idea that “white” is automatically superior and “black” by definition inferior. For this reason, “integration” is a subterfuge for the maintenance of white supremacy.-Stokley Carmichael, 1967 (Crenshaw et al., 1995).

Culturally locked out: the invisible man’s children.

It is not enough to have knowledge. It is not enough to have information. It is not enough to have a job. You must also have a sense of nation, a sense of people-ness. And you must have a sense of place of where your education and knowledge and your information fits into the whole to save yourself as an individual and save your people as a collective. Alykhan Boolani (The Abolitionist, 2017).

Scholar Iris Marion Young (2011) asserts that injustice cannot exist anonymous to oppression—that in fact, an analysis of power and oppression is central to any political discourse concerning the social and cultural structures supporting current systems of
justice. Schools as social instruments function as purveyors of the social contract by requiring students to give up what little freedom they possess not for a guarantee of safety as in Rousseau’s theory of the social contract, but for a guarantee of “education.”

From kindergarten, up through high-school students are conditioned to look, speak, and act in accordance with school codes of conduct—codes modeled after the same expectations canonized in the larger social contract. Children represent a vulnerable population exhibiting low levels of autonomy and individual agency unable to exercise and express many of their human and civil rights as a direct correlation between their recognition as “pre-citizens” and legal status as minors. Children of all creeds are oppressed, marginalized, and silenced as appropriate induction into the social contract; children are rarely ever given a choice let alone a voice in what they do or in what happens to them. Much of the behavior exhibited by children that manifest particularly (under zero-tolerance) in suspension/expulsion and subsequent criminalization of such behavior lies in acts of “defiance” towards teachers. These acts of defiance are understood as assertions of autonomy or resistance to a forced induction into a social contract each child had no voice in determining. Acts of defiance, particularly those committed by children of color and other marginalized children can, in fact, be seen as political explorations of agency and identity—the product of animosity toward cultural hegemony and a fight for visibility (Miron, 1998).

Following the inauguration of President Trump, the students at Griffith Elementary were talking about the anticipated national protest known as “Day Without an Immigrant.” Julio and a group of friends all Latinos in the 8th grade
approached me after school where I normally stand greeting the students as they leave for the day. “Miss, are you coming to school tomorrow? “Yes.” I replied, “Aren’t you?” “No. Miss didn’t you hear we are protesting, tomorrow is ‘Day Without a Mexican.’ We want to show everyone that this school wouldn’t even exist if it weren’t for Mexicans. (Observation February 15, 2017)

While all of the students who had approached me showed up the next day, their desire to participate in a national protest and their understanding of the power they possessed as racial/ethnic majority of the student population their understanding that “our” paychecks existed because of “their” attendance at school exemplified an assertion of identity and autonomy; that through absence they could make themselves seen.

Experiences in school in a “post racial” America: from the neo-colonial curricula, to English only policies, to the emphasis on “personal responsibility” to the way certain students are perceived by those in positions of power contribute to what scholars call a “racial socialization” or “racist socialization” where pre-adolescent and adolescent students of color begin to develop an understanding of what belonging to a specific racial group means both within that group and outside of it contributing to what W.E.B Dubious famously terms a “double consciousness” (Dubious, 1990). For Black and Brown students this consciousness manifests itself during much of their educational experience by a “cold, heartless, daily lesson: take care of yourself, stay in line, leave your culture and history at the door” (Boolani, 2017). Students of color begin to become aware of the racial hierarchies present both within their learning communities and outside of them as
well as the prejudice associated with such hierarchies. Even though students may not be able to articulate the tension, they grow keenly aware of the political significance of race. Students can feel its significance though often cannot explain what it means, as issues of race are often not discussed, particularly in educational institutions where white cultural and educational values are the norm (Noguera, 2008). Through this racial identity formation, students begin to engender acceptance amongst their peers (those that look like them) by performing in accordance with the cultural values and norms associated with their peer groups. Racial identity formation creates what Norguera terms oppositional identity amongst students of color in regards to their relationships with other students and with the educational institutional itself; particularly in schools where teachers, administration, and those in positions of power represent different cultural values and norms than the students (Miron, 1998). Often this “oppositional identity”—subsequently reinforced through popular media—leads students of color to view both consciously and subconsciously schooling as a form of forced assimilation to White cultural values (Noguera, 2008). This association with schooling can lead to what Noguera terms the identity-achievement connection where perceptions of school as being “White” lead to the devaluation of education and academic pursuits and the adoption of self-defeating behaviors that inhibit possibilities for academic success.

I’m not going to promotion. It’s stupid. And besides my mom can’t come, she has to work, and in Mexico, it doesn’t matter, so she doesn’t care.” 8th grade Latino student’s response when asked if he would be attending the 8th-grade promotion ceremony. (Observation April 24, 2017).
The correlation between race and academic performance is further understood in terms of both explicit and implicit bias in regards to the academic abilities of students of color with Black and Latinx children expected to underperform compared to their White and Asian counterparts. This bias leads to de facto segregation of students within schools according to an official or unofficial “sorting” or “tracking” policy whereby students are placed in certain classes (with students of color often overrepresented in special education or self-contained behavior classes (Oakes,2005)). The practice of tracking further reinforces feelings of inferiority and invisibility as these students are often pushed aside, kept in separate classrooms, or recognized for abilities only according to cultural/racial stereotypes (i.e., athletic ability). In an effort to be seen, students choose to rebel against stereotypes by attempting to disprove them (submitting to the cultural values and expectations of the institution) or by defying them acting out to assert their opposition.

I’m stupid. I’m in the retard class, you know the mental class, that’s what they say—because I’m in that class…. it must be true.” 8th grade Latino on his experience in the math resource class (Observation, January 29, 2017).

Implicit bias permeates all aspects of a students’ experience in school and no one person, thus no one institution, is immune from carrying such bias. Implicit bias has been shown to not only permeate how a student’s academic ability is calculated but a student’s propensity for certain behaviors including a student’s level of maturity and expectations regarding that perception, as well as assumptions made about student’s behaviors. A
Recent study shows that black girls are more often disciplined for things like “having an attitude” or “talking back” than white girls; and black girls are often reprimanded much more harshly for behaviors because they are seen to be “less innocent” than their white counterparts and need less nurturing and protection (Howard, 2017).

Trauma is another area that scholars and researchers have paid special attention to understanding the experience of children in educational settings, including referring to trauma as a current major public health crisis. Pediatrician and founder of the Center for Youth Wellness, Nadine Burke Harris, discusses the importance of understanding not only the science behind what she calls “Adverse Childhood Experiences” (ACES) but the psychosocial implications of these experiences on children in educational settings. Harris explains that traumatized children are in fact suffering from a disability much the same as a child suffering from lead poisoning and why this disability need be factored into all aspects of treatment of these children within the school system, including how to best address disciplinary issues (Harris, 2014). A failure to understand and recognize trauma as a form of disability is seen as the result of bias around the behaviors of many children of color. Where the behavior of white children is often medicalized and excused or justified, the behavior of children of color is often criminalized. In reality, many children particularly those in urban schools, experience high levels of ACES largely contributing to the behaviors they exhibit (American Association for the Advancement of Science, 2017).
The school to prison pipeline relies on legal, structural, cultural, and institutional power to socially engineer a system that relies on colorblind notions of justice that demand a little freedom for an education, an education which largely serves as an indoctrination into the social contract developed to maintain a capitalist ideological society that benefits the status quo. A “little” dose of freedom, however, is less of a bargain for already marginalized students and communities of color as students lose attachments to institutions that repeatedly remind them of their place within the social contract and ultimately—in the fight for visibility, validation, autonomy, and power—are removed from society and placed in cages. These are the pathways to prison; these are the bodies that feed the beast.
CHAPTER 2

RESTORATIVE JUSTICE IN SCHOOLS: STARVING THE BEAST

History of Restorative Justice: From Harm to Healing

Retributive theory believes that pain will vindicate, but in practice, that is often counterproductive for both victim and offender. Restorative justice theory, on the other hand, argues that what truly vindicates is acknowledgment of victims’ harms and needs, combined with an active effort to encourage offenders to take responsibility, make right the wrongs, and address the causes of their behavior. (Zehr, 2002).

With the cost of incarceration ballooning—and as more awareness builds around the harmful effects of solitary confinement, continued controversy over capital punishment, increasing evidence of the pervasiveness of wrongful convictions, and evidence highlighting the gross racial disparities in all levels of the criminal justice system—scholars, community and social justice activists, policy-makers, and other interested parties have been searching for a solution to the crisis of incarceration. The practice of restorative justice, while far from a new invention, is increasingly being explored to answer the question—if not prisons, then what? Howard Zehr, American criminologist, writer, editor, and educator is commonly referred to as the “grandfather” of the modern restorative justice movement dating back to the late 1970s, his theory of restorative justice centered around the “dignity of all peoples,” and serves as a foundation for the current restorative justice movement. Restorative justice, unlike retributive justice,
focuses on the harm suffered versus the law broken and is a solution versus problem focused process. Retributive justice is extremely political as a representation of physical power through force to control the lives of those defined to be criminal by focusing almost solely on the “offender” and dismissing any real harm done to the victim. This process works to dehumanize the lived experience of the people involved. Restorative justice is representative of shared power through recognition and reconciliation of the harms, needs, and obligations of both the victim and offender through a cooperative process. Restorative justice at its core is a philosophy of justice centered on healing and transformation of relationships as opposed to punishment and retribution (Zehr, 2002). Principles of restorative justice date back thousands of years—and have existed in many cultures much longer than the penal system supported by the retributive model of punishment. Restorative practices and the contemporary restorative justice movement take tremendous influence primarily from the aboriginal and indigenous peoples of North America (Canada and the U.S.) and New Zealand/Aotearoa but are found in cultures all over the world. Before European contact, the Maori people (in what is today New Zealand) had a well-developed system called Utu that protected individuals, social stability, and the integrity of the group. The Maori built a system on the cooperative principles of community and restorative justice and a system New Zealand has been using successfully since 1989 in place of a retributive model for juvenile offenders (MacRae, 2004). Contemporary restorative justice movements also draw influence from the social action arm of the Mennonite Church, Mennonite Central Committee, which has played a major role in popularizing the theory and practice of restorative justice, as well
as Amish and Quaker groups who subscribe to principles of restorative justice as in line with their more pacifist and humane approach to crime and punishment (Zehr, 1990). These endeavors have been used internationally to address system-wide offenses such as with South Africa’s Truth and Reconciliation Commission to repair harms done to society during the apartheid regime, in local criminal and social justice cases, and in prisons to assist in rehabilitation. In North America, the popularity and growth of restorative justice have been facilitated predominantly by grassroots community groups with a focus on peacemaking, decarceration, and community responses to violence. NGOs, and non-profit organizations with interest in alternatives to the retributive model of criminal justice, particularly in the area of juvenile law, have also explored restorative justice approaches. Agencies such as juvenile courts, probation departments, and prosecution departments have also been working to divert juvenile cases from the criminal justice system and provide youth an opportunity to participate in a restorative process. Some common restorative practices include victim-offender mediation or conferencing, family and group conferencing, restorative circles, community restorative boards, circles of support and accountability, and sentencing circles with the goal being community ownership over obligations related to harm (Zehr, 2002).

Prior to the writing of this study, I was fortunate to attend the National Association of Community and Restorative Justice where I was able to gain a better understanding of the restorative justice movement from both a national and international perspective. I was able to identify two somewhat distinct approaches to restorative justice that seem to be leading the overall movement and tease out some of the tensions between
the two. This observation proved valuable in understanding any individual restorative justice initiative’s disruptive potential.

The first, to approach restorative justice through an abolitionist lens—through a movement promoting the use of restorative and transformative justice as a complete alternative to the use of prisons and police to solve community problems. The abolitionist lens advocates for a complete overhaul of the theories, ideologies, and principles underlying how society conceptualizes justice, crime, and punishment. The abolitionist approach advocates the return of power to communities as the most appropriate vehicle for addressing harms perpetrated or suffered by its members with a strong emphasis on direct ownership of the processes by those most affected, including people and communities of color and other vulnerable populations, as well as incarcerated and formerly incarcerated individuals and groups.

The second approach aims to work within formal systems to push reform of these systems by embracing a more restorative versus punitive framework; these systems essentially aim to divert cases from criminal prosecution for participation in a restorative program many times overseen or working in partnership with formal systems. The theoretical foundation supporting restorative justice sounds straightforward, the practice of restorative justice, however, is much more difficult. To practice restorative justice requires an entire paradigm shift—a shift away from the retributive and punitive model of not only criminal justice but from what we as a society conceptualize what it means to be just, a requirement that we let go of the ideology of punishment as justice and the
power associated with that punishment. To truly adopt a restorative mindset, we must reimagine what resolution looks like when wrongdoing hurts, and justice heals.


What we have been doing has not been working, that is clear. We can always go back to failure, so why not try something new?” – Former city attorney for the city of Phoenix is discussing why schools should challenge the way we as a society have been handling student discipline. (Observation, April 12, 2017).

Various school districts around the country have viewed their discipline data and have been granted funds through the Every Student Succeeds Act, showing a genuine interest in transforming school climate to ensure the inclusion of and success of more students. Schools are also reeling from the frustration around the inability to teach consumed with meting out discipline and have, therefore, turned to restorative practices as a way to quell the number of students suspended or expelled by instead emphasizing relationship building, understanding causes of student misbehavior, and coming to consensus on meaningful steps to repair harms.

The Oakland Unified School District (OUSD) is leading the way in bringing restorative justice into schools and has implemented restorative justice programs in twenty-four elementary, middle, and high schools. The schools using restorative justice have seen a drop in suspensions over a three to four year period with a significant decrease in the overall disparity between African-American and white students particularly for largely discretionary issues such as “willful defiance.” Also, OUSD has
seen the increased academic performance in schools having implemented Restorative Justice as well as a decline in chronic absenteeism, and drop-out rate (Jaine et al., 2014). School-based restorative justice programs follow different models based on the theory and practice of restorative justice. Most involve tiered levels of support beginning at the community level and utilizing tools like community building circles and other methods aimed at forging strong relationships between all members of the school community.

Supports at the second level revolve around conflict resolution (mediation, conferencing, conflict circles, etc.) and are aimed at resolving conflict in a way that promotes restoration of relationships and fulfilment of obligations by keeping students in school. Supports at the third level include re-entry support into the community that may be used after a student has been absent from school for a long period of time, oftentimes due to an incarceration or for a student that requires high levels of intense and individual support (Jain, 2014). Some schools partner with local police departments and other community organizations to assist in school-based conflicts, particularly conflicts that involve a criminal offense. These partnerships often utilize volunteer community mediators to assist in the resolution of conflicts working closely with police and juvenile court officials in a more school-community based model aimed at diverting cases from formal prosecution (RPBI, 2017).

Breaking the Rules of the Game: Restorative Justice and the School to Prison Pipeline

Empirical evidence would suggest that restorative justice in schools has the potential to decrease the number of students suspended from academic institutions and
thus theoretically work to disrupt the pipeline by not only reducing the number of suspensions, and thus the number of students removed from the classroom, but by fundamentally shifting and re-conceptualizing ideas of justice by reshaping schools from institutions into communities by understanding and restructuring the social contract to not only accommodate but embrace difference and diversity, recognize and support student agency, and create powerful vehicles of cultural resistance by aiming to work in varying degrees outside the systems currently supporting and perpetuating the school-to-prison pipeline. Restorative justice in schools, ideally, acts as a form of resistance against the current systems of cultural and social hegemony by working outside of these systems. Political theorist Antonio Gramsci argues that “politics is not only fought out in state houses, workplaces, or on the battlefields, but also in the language we use, the stories we tell, and the images we conjure—in short in the ways we make sense of the world (Duncombe, 2016). Echoing Gramsci in his ideas regarding the power of cultural hegemony, Francis Piven describes disruptive politics as the “activation of interdependent power disruption” by moving “beyond the limits of compatibility with the system in question, i.e. breaking the rules of the game, putting forward non-negotiable objectives, and questioning the legitimacy of power.”(Piven, 2006). Piven further argues that distinguishable and disruptive social movements embrace disruptive actions rather than work within existing institutional frameworks. Rather than by working within the confines of a system that exists to further the manipulation of marginalized children into profitable prisoner bodies-- by denouncing zero-tolerance, by demilitarizing/deprisonizing campuses, and by enabling localized autonomy over creation
and enforcement of the social contract—schools are “breaking the rules of the game” by questioning the legitimacy of current conceptions of justice and the systems that define it in their ability to serve the best interests of the community. The practice of restorative justice in schools theoretically—removes practitioners from the trajectory by which criminal justice and the subsequent school-to-prison pipeline follow: without crime, there are no criminals, and without criminals, there is no criminal justice system, without the criminal justice system, there is no prison industrial complex.

Many social theorists have developed well researched and logically sound ideas regarding proposed solutions to many of society’s most troublesome and pressing problems, yet the problems persist. Theory does not always translate into action nor does it always deliver efficacious practical, real-world outcomes. While a handful of school districts across the U.S have seen success utilizing a three-tiered approach to restorative discipline in schools in decreasing suspensions and reducing racial disparities, do school-based restorative justice programs ultimately push school communities beyond the limits of the systems that currently confine them? Do school-based restorative programs act as social movements breaking the “rules of the game?” Ultimately, do these programs work in a disruptive fashion to truly begin to dismantle the school-to-prison pipeline? And if they do not, what benefits do these programs bring to educational institutions and how do they exemplify a true push in the right direction? Through an examination of Griffith’s restorative justice program *Discipline That Restores* I begin to answer this question.
CHAPTER 3
DISCIPLINE THAT RESTORES: GRIFFITH ELEMENTARY SCHOOL’S JOURNEY TO RESTORATIVE JUSTICE

When agreements are made and kept, trust grows. -tagline used in the Discipline that Restores mediation process, a cornerstone of the model.

From There to Here: Why Griffith Chose Restorative Justice

I arrived at school early that morning to make sure I had everything ready for Julio’s re-entry circle which was scheduled to take place at 7:30 a.m. I carefully moved the furniture around in my office allowing space to position seven chairs in a circle. I cleaned off my white board and wrote the morning’s objectives— or outcomes— I hoped to accomplish by holding this circle, so each participant had a visual reminder of the purpose.

Julio will:

- Receive a supported transition back into school.
- Julio and his family will receive needed supports to enable student to be successful in school.
- We will create a plan which clarifies each participants’ role and responsibilities in supporting Julio.
- Julio will be supported and held accountable to fulfill the plan.

Having never conducted a re-entry circle, having designed the circle using resources on similar circles conducted in Oakland Unified School District, I was feeling nervous, but excited at the possibilities that presented themselves as a result of this new approach. I laid out the muffins and apple-cider I had purchased on a table near
the doorway as Ms. Carroll’s voice echoed in my ear, “They will be so surprised to see muffins, I bet they’ll walk in and have no idea what is going on.” (Observation, December 11, 2016). This approach was indeed something strikingly unfamiliar to parents, students, and teachers. I smiled with anticipation as I scanned the room, a much different set up then the executive conference table, harsh lighting, and air of formality in the power of school authority’s office that parents and students normally experience when called in for a discipline meeting. This space, my office, known as the “Thinkery” felt both neutral and inviting. Moments later Mrs. Carroll, Mr. Parish—principal of Blueprint, our school psychologist and Julio’s former soccer coach, Ms. Matthews—8th-grade social studies teacher, Julio, and his mom walked in. Julio and mom indeed looked perplexed at the scene as they hurriedly found chairs in the circle. After everyone was seated I explained the purpose of the circle, went over the circle’s guidelines:

- Speak from the Heart—speak open and honestly
- Be open and honest; speak from the heart
- Listen and speak with respect; keep an open mind
- Commit to being constructive; solution based

I then invited everyone to check in and introduce themselves using a talking piece (a cylindric water bottle filled with glitter) as a customary part of the circle process. When it was Julio’s turn, he shifted nervously in his seat and stated, “I’m Julio. I’m a student at Griffith, and I’m feeling nervous.” (Observation, December 11, 2016). The sentiment after check-in was that all of the participants felt optimistic and hopeful that morning in relation to our circle and Julio’s return despite the feelings of apprehension expressed previously in regards to Julio’s return based on the nature of his previous infractions.
After introductions, I could already feel the tension in the room starting to subside—tension that was three years in the making as this was Julio’s second return from Blueprint and far from his first conference with school administration. I invited each participant to take a turn sharing their concerns regarding Julio’s return, their needs in supporting his success, and any words of encouragement they felt appropriate. I invited Julio to share with the group how he felt about returning to school, what his support needs were, and what challenges he might face. Julio heard from each participant, including myself, how excited each was to have him back at Griffith and how each believed he could be successful. Julio heard how he had broken trust with many teachers and students at Griffith but that as a school we were willing to allow him to rebuild that trust. Julio heard from his teary-eyed mother how desperate she was for Julio to succeed at Griffith, how scared she was at the thought of Julio being kicked out of school, and from the principal at Blueprint about the many positive changes he had made. Julio shifted the talking piece back and forth between his hands the room was quiet as we waited for Julio’s contribution. It was apparent Julio was not accustomed to being asked these sorts of questions. Julio looked over at me and nervously asked me for help. I encouraged Julio to discuss some of the issues we had reflected on together while at Blueprint. Julio smiled and with some encouragement was able to express some of the areas he had struggled with at Griffith in the past and some of the things he had learned while at Blueprint. Julio’s smile was brightest when he spoke about the academic success he had seen at Blueprint and hoped he would continue to succeed academically at Griffith. After listening to Julio, I encouraged each participant to ask for clarification or
expound upon something they heard during the circle thus far. After a lively couple of minutes of conversation, I directed all of the participants to work with me in brainstorming ideas for supporting Julio’s ongoing success. I encouraged each participant to think about Julio’s success academically, behaviorally, and socially and fashion supports in these areas. I recalled what I learned from Alyce, a tall thin 8th grade Latina student with dark-rimmed glasses, one of the female students that had come forward about Julio sexually harassing her prior to his placement at Blueprint. After alerting Alyce about the decision to bring Julio back from Blueprint and asking what her needs might be regarding his return to school, Alyce admitted she did not feel comfortable sitting in circle with Julio and expressing her feelings (as Julio was not aware she had made the report), she expressed she did not believe Julio would “take her seriously.” She smiled and told me that she was “okay” only that she needed Julio to leave her alone (Observation, December 11, 2016). My conversation with Alyce factored into the creation of the support plan and some of the ideas generated in an effort to provide a voice to affected students and ensuring Julio was set up for success with these and other students. After everyone’s ideas had been considered we worked together to decide which ideas we would like to adopt and put into Julio’s official support plan. I made sure to impress upon Julio that this was a plan we were all going to agree to follow, a separate plan from the respect agreement he had signed as an 8th grade student, and the behavior contract he would sign with the school, and since this was a collaborative effort, if there was an idea he disagreed with it was important for him to voice that opinion so we could work together to ameliorate it. Julio shook his head and stated he agreed with each
suggestion. I couldn’t help but wonder if he would have disagreed with anything during that time or not, wanting to please everyone on his first day back, had Julio felt sufficiently empowered? I had worked to help him understand the process and hoped that my presence and the process had given him enough of a voice. We each shook hands with Julio and I advised Julio I would be calling him back near the end of the day to check in with him. We thanked Julio’s mother for her participation as she left with Julio and teachers left to welcome their classes that morning. I encouraged everyone to take a muffin on their way out, of which Julio eagerly acquiesced asking if he could have two, all of the nervousness I had noticed as Julio arrived melting away, his body relaxed and the nature of a playful 13-year-old emerging. Day one of Julio’s restorative journey had begun.

So how did Griffith Elementary go from the *power over* approach to student discipline—the harsh lights, the executive conference table, the threat of punishment and consequence, (how to get rid of him), to the *power with* restorative approach focused on trust, accountability, and agreement (how to support him)? Like most everything in our capitalistic society, it all began with the numbers.

History of the Balsz community: who are we?

The Balsz community is situated in an area known as “East Camelback” covering roughly the area between 40th Street and Thomas Rd. to 64th street and McDowell Rd. in Phoenix, Arizona county of Maricopa zip code 85008. Driving through the Balsz neighborhood one gets the sense of a tight-knit community. There are many locally
owned businesses including one of the alleged best taco spots in the Valley (according to Griffith’s kids), and one of Balsz’s best-kept secrets, bridal and quinceanera dress shops, Hispanic food markets, and locally owned tech shops. Pedestrians dot the streets and sidewalks at seemingly all hours of the day. It is not uncommon to see bus stops full of people of all ages, included ear-budded youth, working adults, young families, homeless persons, refugees, and elderly couples out for a stroll, all moving about their days. Murals painted on alleyway walls, in parks, and on school campuses illustrate the pride Balsz residents feel in their diverse history and culture. Many storefront signs, as well as billboards, are written in Spanish as many Balsz residents are not fluent in English. The neighborhood consists of primarily small old brick houses with lively porches, trees, and other markings of a mature neighborhood with various apartment complexes. Various community parks, Phoenix Botanical gardens, and Phoenix zoo are also located within the Balsz community all nestled in the heart of Central Phoenix.

The population in the Balsz neighborhood is around 30,000 with roughly 8,000 children and youth with the median household income in the Balsz community being approximately $26,688, poverty levels at twice the Arizona average with one in three experiencing poverty. All Balsz District schools qualify for the federal free lunch program. Balsz neighborhood has a large population of refugees and is said to be “as diverse as the United Nations” (Knopf, 2013), and home to 89 non-profit organizations, 960 businesses, 23 neighborhood groups nine public and charter schools, a community college, and nine different faith groups. Balsz schools have strong partnerships with local
businesses and community groups, though unemployment remains a challenge, particularly for youth (Knopf, 2013).

While sections of the neighborhood appear to resemble lower-middle to middle-class apartments in virtually any part of the city, a closer look at the areas of obvious concentrated poverty particularly within walking distance from Griffith paints a more accurate picture of the lives and living conditions for a majority of Griffith’s students. Almeria road, just west of Griffith school, is alive after school dismissal with bike riders, children walking alone, with siblings or with parents. Some parents in house slippers, others in customer service industry uniforms, some with a single child and some with five or six, as it was not uncommon for extended family to live together. Orange Tree apartments was a popular destination for Griffith kids going home after the school day. Orange Tree apartments are home to some Griffith families resembling much of what one imagines when envisioning low-income inner-city housing projects. The building itself is very old and in need of up-keep, encircled by a single wrought iron fence. Tucked away in the corner sat a small dingy pool with cracked tiles and peeling paint, a single metal table and faded metal umbrella reminding me of public pool décor from decades previous. I remember many of the students boasting about their pool—regaling me with stories of weekends spent swimming and playing with friends—the image the stories conjured in my head somehow failing to reconcile with the empty and tattered pool I saw before me. Inside the complex, you find rows of unit doors facing one another across a dusty dirt courtyard. There is no landscaping, manicured walkways, benches or any of the “perks” or staples of “luxury apartment living.” Tinfoil, sheets, and other items
haphazardly covered small windows, doors were open, and predominantly Hispanic/Latinx residents walked about meandering in and out of units, eating, smoking, chatting in Spanish, calling for children, or sitting outside in lawn chairs. The courtyard is full of kids kicking balls, playing with dolls, and wandering back and forth between units visiting family and friends. During my visit to Orange Tree apartments I got a definite sense of community—something I did not feel at home in my own “luxury apartment” complex where I had spoken not more than ten words to my neighbors the entire year and a half of my residency. I was reminded instead of my home village in Mantshwabisi, Botswana, during my service as a Peace Corps Volunteer where it was not uncommon to have four or five visitors in a single evening and children played in the dusty yards.

Researchers from Arizona State University’s Partnership for Community Development conducted community interviews in 2012 with Balsz residents to identify needed supports to help children succeed in school and within the larger society. Some highlights from those conversations are shared here to contextualize the experience of Balsz community members and students when analyzing Griffith’s restorative justice program.

Community members shared that they felt many of the children that live in the Balsz community suffer from the inadequate fulfillment of basic needs, such as access to food or health care which impact their ability to learn at school. Many parents shared that they understand the difficulties their children have in school especially when they are transitioning from the 5th grade to middle-school, parents share a frustration at the
misunderstandings and challenges that children face in school both academically and culturally as they grow older and an inability to support their child due to demanding work schedules including long and shifting hours and a focus on “making ends meet,” illiteracy, non-English fluency, and low educational attainment themselves. Parents overwhelmingly spoke of wanting their children to succeed, and the need for positive adult role models in their children’s lives as parents admittedly are not always able to fulfill many of the children’s diverse needs constrained by the challenges of poverty. Children overwhelmingly spoke of a desire to be understood, “to be recognized as distinct individuals and [treated] with respect. Children shared that they valued encouraging words from adults but often felt that adults met children with discouragement, stereotypes, and even fear viewing children and youth as “bullies, gangsters-to-be, and the reason for general disorder in the community (Knopf, 2013). Conversations with parents and teachers in Balsz schools revealed that parents felt that teachers care about the students and that children like being at school. However, both teachers and parents discussed barriers to parent and school collaboration due to language and culture, lack of communication between parents and teachers, and a perception by many teachers and administrators that parents are not active in their children’s lives (or that they “don’t care.”).

Balsz residents shared concerns about crime, as the Balsz District does have a higher than average reported crime rate, particularly robberies, violent crimes, and drug distribution. Youth and students shared concerns about hearing shootings and “drive-bys”
and expressed that fear of violent crime at times prevents community members from being able to enjoy gathering at community places such as parks.

A special note on the Latinx experience.

The predominately Latinx community, comprising the majority of Griffith Elementary students, are uniquely positioned and as such face unique challenges. Many families are recent immigrants, both documented and undocumented, and this experience often colored residents’ relationships with each other, law enforcement, and other government agencies including and of course residents’ relationship with the institution of the school itself. Analyzing student and family positionality within the community at large became a critical factor in my understanding of students’ experiences at school. As such, a special note should be made here about the extent to which Hispanics and Latinxs in Maricopa County have been subjected to marginalization and discrimination.

Much of the research on the school-to-prison pipeline has focused on the discrimination faced largely by African American students. Arizona is home to about 2.1 million Hispanics/Latinxs (31% of the population), and Arizona’s incarceration rate for “Mexican-Americans” and “Mexican Nationals” sits at 39%\textsuperscript{27}, as well as its juvenile incarceration rate for “Hispanics” (including “Mexican Nationals”) at 56\textsuperscript{28}%. Given the prevalence of the Hispanic/Latinx population, it is important to understand the political landscape in Arizona as well as how Latinxs and Latinx youth are uniquely marginalized and silenced.
We didn’t think to call the cops; I don’t know why. 7th grade Latina student when asked why her family did not call the police after being burglarized (Observation April 10, 2016).

Arizona continues to have a particularly tumultuous relationship with its Hispanic/Latinx residents particularly in areas concerning the politics of immigration and labor. The passage of SB1070, colloquially known as Arizona’s “anti-immigration” bill—a portion of which required police to determine the immigration status of someone arrested or detained if reasonable suspicion suggested they were in the U.S. illegally—created a chasm of insecurity within the Latinx community. SB1070 invited the rampant use of racial profiling of against Latinxs, Asians, and others presumed to be foreign based on how they looked.” (ACLU, 2017). The law allowed police officers to act as federal immigration officials demanding to see the papers of anyone they stopped for any minor violation, including minor traffic violations and subsequently make immigration-related arrests. The portion of the law allowing police to make immigration-related arrests was overturned by the Supreme Court in 2012, and Maricopa County’s infamous Sheriff Joe Arpaio was found guilty of contempt of court in July of 2017 for failing to abide by a 2011 court order to stop racially motivated traffic patrols (Associated Press, 2017).

Although major discriminatory portions of SB1070 were repealed, the passage of the bill represented the rising intolerance and discrimination toward immigrants, particularly Latinx immigrants. Media coverage of single sensationalized crimes committed by undocumented Latinos led to the introduction of more anti-immigrant legislation including proposals such as Kate’s Law which sought to increase minimum penalties for
illegal re-entry into the United States. With the 2016 election of Donald Trump anti-immigrant sentiment has only increased as evidenced by Trump’s extremely vocal and hardline stance on immigration with his own “Build the Wall” mantra shouted at nearly every campaign rally, promises to repeal President Obama’s executive order for Deferred Action for Childhood Arrivals (DACA), his “travel ban” restricting entry into the United States from majority Muslim countries, rhetoric on “mass deportations,” and his crackdown on “sanctuary cities” through promises to withhold federal funding for any cities providing refuge to undocumented immigrants wanted for deportation.

Bottom line is a young innocent woman has been murdered in cold blood, in front of her father, by a 5 time deported illegal alien drug dealer. He is an ILLEGAL ALIEN, not an undocumented immigrant and if he was where he belonged (Mexico) this innocent victim would still be alive.-San Francisco Police Union after the murder of Kate Steinle (Batey, 2015)

Arizona’s experience with anti-immigrant fueled discrimination against Latinxs follows a deeply rooted national public opinion that “foreign-born illegal aliens” are responsible for higher crime rates. This belief has historically been perpetuated and sustained by media anecdote and popular myth in the absence of empirical evidence providing the “underpinnings for public policies and practices that shape public opinion and political behavior” around the perception of immigrants and crime (Rumbaut, 2008). Of course, further heightened after the September 11, 2001, attacks on the World Trade Center. The 1970s marked the beginning of a new era of “mass migration” that has
transformed the racial and ethnic makeup of the U.S. population with an influx of migration largely from Latin America, the Caribbean, and Asia. European migration—the last large era of migration—nearly a century ago, saw discrimination of Irish, Italian and Jewish immigrants. However, immigrant arrival in the United States coincided with the rapid industrialization of society providing more opportunity for economic mobility and eventual cultural assimilation through the willful adoption of “American” identity.

Contemporary migration, however, coincided with a period of economic restructuring and rising inequality in income, wealth, and social well-being heightening the tension and distrust of immigrants as Americans perceived rising crime rates and competition for jobs. Contemporary migration has subsequently coincided with the “era of mass incarceration.” The myth of rising crime rates coinciding with Reagan’s War on Drugs and its connection with Latin America was perpetuated through popular media like Brian De Palma’s 1983 iconic film “Scarface” depicting Tony Montana, played by actor Al Pacino, who is awarded a green card in exchange for murdering a Cuban government official who goes on to stake claim on the drug trade in Miami, viscously murdering anyone who stands in his way (IMBD, 2017). These stereotypes live on and represent current social ideology as exemplified through candidate Trump’s visceral campaign rhetoric depicting Mexican immigrants as “rapists and drug dealers.”

While empirical evidence shows no discernable link between immigration and rising crime rates—in fact, evidence shows during the height of contemporary immigration crime rates were at historic lows, with incarceration rates for undocumented Mexicans, Salvadorans, Guatemalans particularly low, fear of immigrant crime remains a
divisive force in American politics. Border states such as Arizona, in particular, have increased militarization of the border and continued to marginalize Hispanics and Latinx in all aspects of society, citizen, documented, and undocumented leaving many Latinx literally in the shadows (Rumbaut, 2008). In schools, Pedro Noguera argues that for immigrant Latinx youth, the forced cultural assimilation that youth experience in schools has a negative correlation with academic achievement. Latinx immigrant children are often over-represented in remedial and special education classes as well as ESL classes that do not adequately prepare them for college courses. As a result, many Latinx youth drop out of school (Noguera, 2008). Controversy over ethnic studies courses in Arizona, particularly “Mexican-American Studies,” made its way to the U.S. District Court where a federal judge overturned the ban previously in place on the course and similar courses finding such a band to be racially motivated and unconstitutional. Proponents of the ban argued that ethnic study courses “divide students by race and promote ethnic chauvinism.” (Harris, 2017). While ethnic studies bans were ultimately unsuccessful, the sentiment remains that a number of Arizonans, albeit the status quo, harbor healthy discriminatory feelings toward curriculum that seeks to illuminate the cultural experience of Latinxs and other non-Anglo groups, leaving Latinx youth to grapple with their place in a school that does not appear to represent their interests, where in fact, their language and culture is many times “banned.”
Griffith Elementary: We are the “Giants”

Griffith Elementary is one of four Title I schools located in the Balsz neighborhood, across from Pierce community park. My first impression of Griffith as a volunteer intern with Griffith’s then school counselor was of warmth and welcome. When you enter the office and reception area the walls are adorned with student artwork, there is a monitor displaying a slide-show of notable school and community events featuring teachers, staff, and various students. I remember feeling an immediate sense of ease at the subtle yet sweet aroma coming from various candle warmers around the office. I got the sense that Griffith was a place where students and staff alike felt safe and valued. As you walk through Griffith you will find a small garden, a tortoise habitat home to school pet “Rocky” a newly renovated baseball field, two playgrounds, large shady trees, a gym, a cafeteria, a lively well-furnished staff lounge, a large open library “Minion-themed,” and hallways full of well-lit carefully decorated yet crowded classrooms and student artwork lining the walls. Banners and posters encouraging “integrity” adorned the middle school hallway and the school “rule” – no one has the right to interfere with the learning, safety, or well-being of others— (a cornerstone of the previous discipline system) could be seen posted in nearly every hallway and classroom. Large iron gates surrounded the front and both sides of the campus with chain-link fencing securing the back, and while all points of entry into the campus required a security code, I noticed that Griffith did not feel at all like a fortress typical of many
urban or “inner city” schools. Griffith’s students did not carry identification though were required to dress in “uniform “daily. Students did not have lockers, nor were there any metal detectors and Griffith did not employ a school resource officer. While visitors to the school were required to wear a visitor’s badge, it was not uncommon to see volunteers, parents, and other visitors around the school.

Griffith’s student to teacher ratio during the period of study was 27:1 with a population of 693 students (as of the last day of instruction, June 8th, 2017), and I could feel the weight of those numbers when I entered the classrooms. Griffith’s student population racial/ethnic breakdown was as follows; 76.2% of students documented as Hispanic or Latinx, 7.5% Black or African American, 5.8% American Indian or Alaska Native, 7.6% White, and 1.9% two or more races (Balsz Data Warehouse, 2017). An exact figure is not available on the number of immigrant students, but based on my observation and conversation with students and parents, my sense was that a large percentage of students were born outside of the U.S. (predominantly in Mexico) and a significant percentage of those students spoke of having undocumented parents or relatives as well as parents fluent only in Spanish.

As of June 2017, Griffith’s teaching staff consisted of twenty-three-grade level teachers, five special area teachers, and four special education/self-contained area teachers along with three instructional coaches. Griffith’s administrative staff consisted of a Principal, Assistant Principal, Administrative Assistant, school nurse, school psychologist and my position as Conflict Resolution Leader. Support staff included
recess monitors/crossing guards, instructional aids, a school secretary, maintenance professionals, an I.T. specialist, and cafeteria staff. Griffith’s teaching staff was predominately female at 83%. Griffith’s grade-level teaching staff was also predominately white (83%), 11.5% Hispanic/Latina, 11.5% two or more races, and one Asian teacher (4%)35. Administrative staff was 66% female with 50% of administrators being white (including both the Principal (female) and Assistant Principal (male). The school nurse and administrative assistant are Hispanic/Latina at 33%, and my position as Conflict Resolution Leader put me, as a mixed-race person (predominantly African American and white), at 16% of the racial composition of administrative employees36. Support staff (typically low-wage employees) were predominately Hispanic, reflecting and representing the community, including parent employees (Griffith Employee List, 2016/2017). Griffith’s demographics follow national trends showing that America’s teachers are disproportionately white and female at 83% and 75% of the teaching population respectively with black male teachers representing only 2% of teachers nationally (yet black males statistically being the demographic most affected by disproportionate discipline (McClain, 2016.)

Griffiths’ suspension data: the numbers speak

I didn’t think I would ever get to the point where I would be kicking kids out of school, but I’ve done that to three or four kids this year. And it is heartbreaking; it is heartbreaking, but you know…it is what it is…. that is the hardest part of

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making those decisions.” -Assistant Principal on the use of suspensions. (Personal Interview, March 9, 2017).

Assistant principal, Mr. Carter, a white man in his early thirties with fiery red hair and an incredibly humble yet noticeably firm demeanor, sat at his desk. Behind him sat a framed picture of himself with President Obama taken during his time with Teach for America, a real hit with any kids who come into his office. Mr. Carter explained how he and Mrs. Carroll had been surprised when confronted with their “numbers” or suspension rates by race/ethnicity. Mr. Carter explained that race was not something they considered when suspending a student and ultimately race never consciously played a factor in his decision to suspend. Neither he nor Mrs. Carroll would have believed Griffith was disproportionately suspending students. I reflected on an earlier conversation with Mrs. Carroll where she elaborated—stating that the focus was always on the student’s behavior, not the race of the student, but when confronted with the numbers she began to see a different perspective. Mr. Carter continued explaining that the school board, along with Mr. Dallas, a local Cuban American city prosecutor, and working in partnership with West Coast Mennonite Central Committee approached he and Mrs. Carroll regarding bringing restorative justice to Phoenix and piloting the effort at Griffith. Mr. Carter explained that after reviewing the numbers and listening to what the school board had suggested, they both agreed, albeit cautiously. Both seasoned educators were acutely cognizant of the sheer amount of work and dedication initiating this paradisiacal approach to discipline would be and had a thorough understanding of teacher fatigue at what could seem at times like an endless bombardment of new “innovative” initiatives.
Mr. Carter explained that having stumbled across restorative justice at the end of his doctoral program, he needed less convincing than Mrs. Carroll, who had grown up in the Balsz District, attended district schools and was accustomed to the discipline system currently in place called Make Your Day. Although, she had her reservations about the effectiveness of its current implementation. After numerous conversations, trips to benchmark at a school implementing the Discipline that Restores model in Le Grande, California, more education and conversation around the school to prison pipeline, a grant, a partnership with Trinity Mennonite Church, and another closer and more discerning look at the numbers, she too was convinced that it was time to look at a different approach to discipline. So, what exactly did these numbers say? (Personal Interview, March 9, 2017).

Suspensions at Griffith varied from violations of school policies such as the use of inappropriate language, disrespect and defiance toward authority, truancy, aggression including fighting, sexual harassment, theft, weapons, and drug violations while data on the type of or specificity of infraction by race/ethnicity was not available. Griffith also did not employ a zero-tolerance policy during the time of my study and most infractions were subjected to a range of consequences or punishments from an informal talk with the student by a teacher, counselor, or administrator to expulsion from the school. Balsz District handbook lists thirty offenses and ten school policy violations. Of the thirty offenses listed school officials may report up to twenty-four of those offenses to law enforcement including “gang activity” which is described as “demonstrating behaviors or actions that may be gang-related” and the wearing of gang-related clothing, tattoos, or
possession of gang-related symbols, including written symbols. The Balsz District
handbook also states that “disruptive, vulgar, or threatening language or behavior toward
staff or students will not be tolerated. Anyone refusing to model appropriate and
acceptable behavior may be subjected to school restricted A.R.S. 15-507; abuse of
teacher or school employee and may be guilty of a class 3 misdemeanor. First-time
offenses that require a minimum punishment of in-school suspension are a verbal
provocation, arson, fighting, and assault. First-time offenses that require a minimum
punishment of short-term out of school suspension include drug, alcohol, or tobacco
related offenses or extortion. The only first-time offense that triggers at a minimum the
long-term suspension of a student is a bomb threat. All but five offenses and
infractions—if repeated or severe (two or more incidents) are subject to expulsion.
Students may be placed in alternative placement for behaviors that “fall outside the
mainstream of traditional schooling” (Balsz Student/Parent Handbook, 2016/17) and all
removal of students are subject to various levels of due process and appeal depending on
the severity of the action sought. While Griffith administrators are not bound by overtly
harsh zero-tolerance policies, Griffith’s administrators have deference in designating
behaviors and responses including when to involve law enforcement. These decisions, it
would seem according to the data, have not always been applied proportionately.

Between 2011 and 2016 Griffith’s rate of suspensions by race/ethnicity as
documented in Balsz Data Warehouse were as follows: Hispanic/Latinx students
accounted for 62.8% of total suspensions (in school and out of school) (at 74.9% of the
student population), African-American/Black students accounted for 14.9% of all
suspensions (at 9.8% of the student population), White students accounted for 13.9% of suspensions and 6.9% of the population, American Indian or Alaska Native students accounted for 4.5% of all suspensions (at 5.4% of the population), and students identified as belonging to two or more races accounted for 3.9% of all suspensions (at 1.9% of the population) (Balsz Data Warehouse, 2017). (See Appendix B: Griffith Suspensions by Race and Ethnicity).

A look at the data detailing student infractions by race/ethnicity during the years 2011-2016 illuminates another peculiarity in suspension data (See Appendix C: Griffith Infractions by Race/Ethnicity). African American students accounted for 9.4% of documented infractions (at 9.8% of the population) yet were suspended at 14.9% while white students (at 6.9% of the population) accounted for 10.4% of infractions and 13.9% of suspensions. Hispanic students accounted for 70.9% of infractions (at 74.9% of the student body) and suspended at 62.8%. It appeared Griffith Elementary followed national trends in disproportionately suspending minority students particularly, its African-American and mixed-race students as well a curiously, its white students. The numbers for African-American students were particularly concerning as African-American students did not appear to be disproportionally committing school infractions yet suspended at greatly disproportionate rates. While Hispanic/Latinx suspension rates were not disproportionate, 543 Hispanic/Latinx students were suspended out of the total 721 students receiving a suspension between 2011 and 2016. To contextualize these numbers and for a better critical and theoretical analysis, I compared Griffith’s data with a snapshot of a school outside of the Balsz District but close to the neighborhood where
some Balsz neighborhood children apply to attend. Ingleside Middle School is located in the Scottsdale school district, while still designated Title I, a much more affluent enclave, (average income for Scottsdale residents being $47,511) with a predominantly white student body at 52.1%. In the year 2013, Ingleside’s suspension rate for white students was at 39% (in school and out of school). Hispanic students represented 35.5% of the student population but accounted for 36.6% of suspensions. Suspension rates for African-American and mixed-race students were very similar to Griffith. Total suspensions for Ingleside (student population in 2013 was 739), totaled 89. In the year 2013, Griffith had 795 total students with a total of 140 suspensions. Griffith’s majority Hispanic students (70.8%) were suspended at a rate of 64.3%, and Griffith’s white students are representing 11.4% of the student body were suspended at 14.3%. Suspensions for white students at a majority white school showed still to be lower than suspensions for Hispanic/Latinx students at a majority Hispanic school, and Hispanic suspensions showed to be disproportionate when Hispanic students attended a majority white school.

Make your day: out with the old…..

“It’s a great day to have a great day.” –(Observation notes October 31, 2016)

school motto under the “Make your Day” Discipline system.

I had been invited into Ms. Yarborough’s classroom to help her facilitate community building circles. It was early in Quarter 3, and Ms. Yarborough’s classroom was in a state of chaos. I could see the sadness and frustration on her face whenever I entered her room. A young white woman in her mid-twenties an interpretive dancer from
Tennessee, Ms. Yarborough epitomized the stereotypical image of an elementary school teacher. After three years at Griffith and her first-year teaching 4th grade, Ms. Yarborough was struggling to tackle the many needs of her students exhibited in a cacophony of behaviors present in her class every day. Mr. Carter and Ms. Carroll had asked me to begin experimenting with the circle process in her class to try to begin to tackle the so-called class-wide behavior epidemic. As I walked into the class that day with my sparkling talking piece, large metal deco-star, desk bell, notepad, and paper (all materials needed to facilitate a community circle), I witnessed Ms. Yarborough sending students to “Step One.” Step One entailed taking a certain number of points from that student as well as sending the student to the back of the classroom to face the wall or a corner. In this instance, the offending students, one female African-American student, as well as one Latino student, had been talking during breakfast and failed to clean up their trays after the timer had gone off to signal breakfast had ended. The students sat in “Step One” for about 5 minutes, then they were asked to come back and join the circle I had started. The Step system is an integral part of the Make Your Day Program, the discipline program in place at Griffith prior to the adoption of restorative justice, in addition to the deduction of points. Students begin their day with a total number of points and points are deducted or “adjusted” for violations of the school rule with opportunities to earn back points throughout the day: “No one has the right to interfere with the learning, safety, or well-being of others.” When a student exhibits any behavior thought to be violating the school rule the student is immediately sent to a “step” and points are adjusted. Steps are progressively more exclusionary from being sent to the back of the classroom for time-
out all the way to removal to another classroom for the remainder of the day (essentially an in-school suspension by another name) and removal to the office for disciplinary action. When students do not earn enough points, they are said to have “failed to make their day,” and the student’s parent receives a note home. Make Your Day was envisioned as a system with a philosophy much like the philosophy that underlies the retributive rationale for punishment in development of our current criminal justice system, one component being conservatism—or the belief in the exercise of free will and rational choice in acting in accordance with the law or social contract. Make Your Day emphasizes each Step as a decision made by the student who has chosen not to be a meaningful participant in the learning community, who has chosen to break the “rule” and as such has chosen his or her consequence.

This is your rule, and it is in place for the betterment of us all. You can choose whether to follow or disobey your rule. You choose your behavior and must, therefore, be ready to accept the consequences of that behavior. (Make Your Day, 2017)

Mrs. Backinger, 7th and 8th-grade math teacher, a white woman former social worker turned teacher who appeared to be in her late fifties with long silver hair, square glasses, and a warm and inviting smile had invited me to escape campus for an afternoon to conduct our interview. Mrs. Backinger, a devout Christian, and social activist had eagerly agreed to be interviewed for my research. We sat across from each other outside of a crowded nearby Starbucks and chatted excitedly about what she had witnessed since
turning to restorative justice in her classroom. When asked to describe the discipline program Make Your Day she lamented that she had almost turned down a job offer for Griffith Elementary when she found out the school implemented Make Your Day (MYD). Mrs. Backinger went on to explain that MYD, in her opinion, was very coercive, while it was supposed to be based on “choice” the way MYD was implemented became an immediate and authoritative imposition of consequence based on a behavior that violated a school rule. She mused that it is “[much] more palatable to say you chose this, we have to have this outcome because you chose this. It isn’t really true, and it always seemed disingenuous.” (Personal Communication, March 8, 2017). Mrs. Backinger continued by explaining that as part of MYD after the student had been put into “Step” or given a consequence which removed he or she from the learning community the teacher or adult was supposed to have a conversation with that student so that the student may reflect on his or her behavior. Mrs. Backinger explained however that when the conversation happened, which in practice was not very often, the conversation was to be scripted, and the adult was not to deviate from the script. “[The] adult would ask the student “how did you choose step one?” “And there would be only one right answer; the [student] would have to say I chose step one by interfering with ‘so and so’s’ learning opportunity....” Mrs. Backinger chuckled as she reflected in hindsight the ridiculousness of the conversation. I chuckled back as I recalled hearing the same language parroted by students whom I had attempted to have a reflective and restorative conversation with as part of my role as Conflict Resolution Leader; “I interfered with the learning of another student.” Mr. Carter, when explaining MYD during our interview compared the
terminology used in MYD (step one, two, three, four) to terminology used in prison. I immediately made the correlation with what I knew about prison disciplinary systems, particularly in Arizona where I maintain a close relationship with incarcerated people. The use of “phases” and “levels” to denote prisoner security risk, as well as to determine privileges a prisoner is entitled, are based on the phase or level of that prisoner and is standard practice. Violation of prison rules corresponded to an increase in points which affected the prisoner’s phase or level and often resulted in the prisoner’s temporary or permanent removal from the general population for more secure placement. I wondered whether the prisoners felt they had chosen their outcomes. The somewhat ethereal nature of the school to prison pipeline to those operating at ground zero (in schools) had briefly become much worldlier with this visual comparison. Mr. Carter went on to express that originally Make Your Day was supposed to be about earning points for following expectations and holding oneself accountable when expectations were not followed. He explained that when faced with daily behavior challenges in class teachers quickly turned to the MYD procedures to “make the behavior stop” by the use of power in coercion under the guise of “choice” which actually amounted to a criminalization of student behavior (Personal Communication March, 8, 2017). Make Your Day as implemented at Griffith, it appeared, mirrored many of the destructive policies and procedures currently upholding the school to prison pipeline starting with a rule, a social contract put in place to justify the removal of students from the classroom and the learning community, a rule that on its face appears to protect the “rights” of all students equally by emphasizing each student’s choice in obeying the rule or not. When the student “chooses” to disobey “the
rule” he or she receives a predetermined consequence portrayed as inherent or natural as a result of the student’s choice, the same way incarceration or removal from society is normalized as a natural consequence of law-breaking (breaking the social contract). The same lesson is ultimately learned through discipline programs like MYD, “Do what is expected and do it the best you can.” (MYD, 2017). Students learn what is expected and students learn what happens when they fall short of expectations; removal and exclusion many times from a community they may not have felt a part of anyway. Students are not given the opportunity to take true ownership over their behavior or challenge interpretation of behavior by authority figures. Students are told they have power in choice when in reality any exercise of power would result in a struggle for which the student would not ultimately win, fostering possible feelings of alienation, resentment, and finally result in physical removal. MYD does not account for the many intersectional factors underlying both student behavior and a teacher’s interpretation and response to that behavior. MYD, much like zero-tolerance, does not allow for transformation of behavior through mutual understanding, accountability, and agreement but predictable, unwavering, authoritative punishment based on a unilateral understanding of not only the conflict but of the child herself.

Discipline that Restores: In with the new

When you send a kid to detention, what happens? Nothing.” -Mona; member of Trinity Mennonite Church and one of the original volunteer mediators at Griffith on school discipline practices. (Personal communication, April 7, 2017)
Mona and her husband Liam, an older white Mennonite couple in their late sixties always looked as though they had just come back from a once-in-a-lifetime adventure. Both simmered with vitality and a lust for life, especially when regaling me with stories of their time spent living in South Sudan doing humanitarian work. Liam and I instantly bonded when I found out he had also lived in Botswana, the country I had just recently served in the Peace Corps. Mona and Liam, retired counselor and nurse, had spent a lot of their lives traveling and doing peace work. Liam explained that when they retired their church asked them if they would like to work on helping to bring restorative justice to Phoenix. Liam smiled and told me at the time he knew little about restorative justice but after reading more about the philosophy and speaking to those already doing the work he felt this movement and initiative fit well with both he and Mona’s values and beliefs. Liam described how after witnessing restorative practices in action both in schools and in communities in Le Grande and Reedley California the two dedicated themselves to working with Mr. Dallas (city prosecutor), Balsz Superintendent, and Balsz school-board to bring Discipline that Restores—a classroom-based restorative justice model designed by long-time friend and former classmate of Liam’s at Fresno Pacific University—,- fellow Mennonite Ron Claassen and his wife, Roxanne. I felt both Ron and Roxanne mirrored Mona and Liam in physical appearances as a white couple who appeared to be in their mid-to-late sixties. Roxanne presented a bit more social—having the demeanor very characteristic of a lifelong educator of children—and Ron with an original background in mathematics, presented a bit more discerning and academic. Mona and Liam were instrumental in seeing the program’s development by organizing and training
different members from interested schools, including Griffith and a representative of Phoenix Union high-school district as well as church parishioners, and other educators, social workers, therapists, and activists interested in restorative justice. Mona and Liam also worked with the Balsz Promise Neighborhood Liaison (Balsz District had been given a grant through the ESSA to fund a Promise Neighborhood to work with different community organizations to empower schools) to train and fingerprint volunteers (all from Trinity church) to co-facilitate mediations as part of Griffith’s implementation of Discipline that Restores. In total, there were eight trained volunteers, myself included, as I had been a part of the original training organized by Mona and Liam originally planning on working with Griffith in the capacity of a volunteer before my position became available. Mona and Liam worked with Mrs. Carroll and Mr. Carter to teach them mediation and conflict resolution skills following the Reedley Peace Building Initiative (RPBI) process and conducted some mediations themselves when the program was first starting. Mona smiled as she recalled some of the mediations she had facilitated, tears forming around her eyes, “it was beautiful.” (Personal Communication, April 7, 2017).

Although Griffith had only just begun implementing Discipline that Restores (DTR), I was invited more than once to speak with other schools (both in and out of District) interested in modeling what we at Griffith had started. I would sit around Griffith’s conference table and each time felt fortunate to have almost fallen into this nascent practice as an integral part of this school’s journey. Possessing equal feelings of confidence and humility as we spoke—confidence in my knowledge and theoretical understandings of restorative practices and the school-to-prison-pipeline, a concept I soon
came to realize was *not* as familiarly understood by educators in schools— and humbled by all that I did not understand about the vast complexities of working in public education and with urban youth. Mr. Carter would always carefully explain after being asked, “So how did you get started?” That after deciding to transition away from Make Your Day to DTR he and Mrs. Carroll pitched the idea to ten teachers who had expressed a genuine interest in trying something new and that seemed to align well with the philosophy of restorative justice, as well as the tenets of DTR. Teachers who already seemed open to a relational versus adversarial approach to student discipline. Mrs. Carroll explained that they decided to pilot the approach utilizing cohorts of teachers, instead of forcing a rapid shift for the whole school. “It’s about buy-in,” stated Mr. Carter. He explained that as administrators they had a good idea of where the school was going, particularly as the school board approved my position as Conflict Resolution Leader, but wanted, hopefully, teachers to come over on their own volition instead of trying to force something from the top.

I could feel a burden released from me, and I could feel that burden released from my seventh and eighth graders. I feel there is a release of burden, that it is okay to make mistakes…7/8 grade science teacher discussing his experience in the classroom after switching from MYD to DTR (Personal communication March 8, 2017)

Cohort One was born at the end of the 2015-2016 school year consisting of the entire middle-school team, (four teachers) one 5/6th grade teacher, one 5th grade teacher,
one 3/4th grade teacher, one 2nd grade teacher, one 1st grade teacher, and one kindergarten teacher as well as both principals, the librarian, three special area teachers (art, music, and Destination Graduation) and one special education teacher. Cohort One participated in a book study, reading together and discussing the Discipline that Restores manual, Cohort One also participated in an online class with activities based on what they had read. Finally, all of Cohort One attended a two-day training with Ron and Roxanne Claassen who flew in from Fresno, California on how to implement DTR in the classroom as well as how to facilitate mediations. Armed with new skills Cohort One eagerly set out to begin piloting DTR in their classrooms at the beginning of the 2016-2017 school year and had been utilizing the DTR model for three months when I came on board. While I had attended Liam and Mona’s sponsored training on the mediation process, I was not familiar with Discipline that Restores, specifically regarding the important classroom component. I purchased Ron and Roxanne’s book and got to work learning all that I could for my first day on the job. Since I had no formal teacher training or a formal background in education, I adopted a very lay and in retrospect at times naïve positivity about the seemingly simple and procedural shift in student discipline from a punitive to a restorative (and transformative) classroom approach.

I will provide a basic overview of that model here beginning with an overview of the driving principles of DTR as developed by the Claassens. The following is taken directly from the Discipline that Restores manual (Claassen, 2008): I will then explain the ways, in practice, Griffith elementary implemented the DTR model.
Purpose: The purpose of DTR is to guide teachers [and administrators] to respond to each conflict or misbehavior in ways that are life-giving and make things as right as possible. DTR uses each conflict or misbehavior to help students learn respect, critical thinking, and cooperative negotiation skills. DTR responses recognize and respect individual freedom while improving relationships and building community life in the classroom.

Problem: DTR recognizes that rules are written to create and protect safety and fairness. DTR also recognizes that when a rule is violated, it points to the real problem. The real problem is not the rule violation but the violation of a person/damage to property.

People: DTR prefers that the response to the conflict be between the ones who were impacted by the offense. This means that DTR would prefer that when a student is disrespectful with a teacher, the student and teacher should be the primary parties involved in deciding what should be done to make things right.

Process: DTR prefers that the process used to determine how to make things right include recognizing the violation/conflict, searching for agreements to restore equity and to clarify the future, and following up on agreements.

Power: DTR prefers “power with” to “power over.” “Power with” is the kind of power where the teacher and student agree only to those ways of making things right that are life-giving, effective, and improve relationships. This does not mean that the teacher never uses power over, but it does mean that the teacher uses
“power over” only in ways that are reasonable, respectful, and restorative and intended to reintegrate the misbehaving student, and only when the student is not willing to cooperate.

Discipline that Restores was created by Roxanne, a now-retired middle-school teacher who used the restorative principals detailed above to inform the way she handled behavior in her 8th-grade classroom in Raisin City, California, a school with a similar racial/ethnic and class demographic as Griffith (predominantly Latinx and working class). Her process began to spread throughout the school and with Ron’s help, and requests from other central California schools, the two created an instructional book, a sort of ‘how to’ manual to illustrate and provide a sense of structure and procedure to give name to the methods she had grown accustomed to using with what she deemed great success. (Claassen, 2008).

The DTR model in stages.

The foundation for which the principles of DTR flourish—what essentially makes DTR quintessentially different from most discipline systems including MYD is the focus on a “shared power” between students and teachers and other adults. Power is shared in creating classroom expectations or “norms” framed under the premise and promise of mutual respect—a collaborative creating of the classroom “social contract.” Students work with their teachers to brainstorm what respect looks like between students and other students, students and their teacher, teacher and her students, and what respect looks like for the school environment. Together the teacher and the students work
together to decide democratically and unanimously which agreements should be adopted
and put in the classroom respect agreement which is signed by all parties, including the
teacher and hangs in the classroom as a declaration of a mutual and collaborative
understanding of the way each class-member endeavors to be treated. The respect
agreement guides all further conversations regarding behavior framing behavior
regarding violating the agreement of respect. Before the respect agreement is made,
teachers and staff work together to create their respect agreement to set the tone and
model a culture of mutual respect and community for students. The staff respect
agreement had already been created since I arrived in October of that year, near the end
of quarter two. I was given a copy of the agreement as part of my new employee
paperwork which set a tone much different than any I had experienced in receiving new
employee paperwork or beginning a new job. There was something much more honest—
much more genuine—in seeing an agreement produced and endorsed by all members of
the staff, including classified (support staff like myself) instead of merely just a packet of
pre-determined rules, expectations, and guidelines. It should be noted, however, that
when new employees came on, they were not asked to contribute to the agreement or sign
the agreement. Like MYD claimed to be, DTR is also based on choice—a student’s
choice in how they would like to resolve a conflict based on four different options. In
reading about the four different options or “choices” before beginning my work—I felt a
bit skeptical, optimistic but skeptical, particularly in regards to how choice and power
would operate in practice for those groups that are already most marginalized. In a school
where a majority of teachers enjoy a great deal more privilege than the students they
teach how much of a choice do students really have? This question around power as the basis of the DTR model excited me, particularly as I had adopted a largely feminist methodology, and informed much of my observation and analysis throughout my period of study.

The 4 options model.

Students are taught that conflict is defined as “existing when at least one person is blocked or perceives that someone is blocking or attempting to block them from doing or obtaining what they want or that to which they think they are entitled.” (Claassen, 2008, 26). The four-options model created by Ron Claassen as part of his 2005 doctoral program, describes the basic ways that people deal with conflict involving “power, rights, and interests”—not just in schools, but in society at large (See Appendix D: The 4-Options Model). The options are illustrated using lines to represent persons or parties in conflict. Circles represent where the power to make decisions or force outcomes lies between the parties and “Xs” which represent third persons or parties with knowledge of the conflict but no direct involvement or vested interest in the conflict, such as an arbitrator, judge, or mediator. Option one (Option #1) illustrates a situation we often see happen in handling conflict inside and outside of the classroom—one person or party using power to make a decision or force a result based on their perception of the conflict. One party is circled. This happens when a teacher issues the student detention, sends the student out of the room or arbitrarily issues a punishment based on the teacher’s interpretation of the student’s behavior. Option #1 is always utilized in the MYD
program; the teacher exercises power to immediately and often arbitrarily decide. Option #1 also illustrates issues of bullying in student-based conflicts. One student exercises his power over another student to force a conclusion. In the larger society, Option #1 could easily illustrate instances of military aggression (war) where power and strength are utilized by militaries to force a resolution to a conflict, or more locally even a traffic stop that leads to an arrest. Option #1 almost always results in the intentional or unintentional suppression of one party’s power—often resulting in a power struggle—an attempt to maintain or regain power that has been subverted. Marginalized populations, like children, are most often always subjected to “option one.” To retain some autonomy—to exercise some power, intentionally or unintentionally, children create a situation where they will either choose to submit to the power(s) at be, or challenge that power and risk being removed from h/her community—in this case, the classroom. Option #1 is an integral part of the current conception of the social contract—in school, we are taught not to question the power of authority and to bend at will. Option two—Option #2), likewise, illustrates a situation in which an outside party (drawn as an X) is circled, signifying that an outside person or party has the power to decide how the conflict will resolve. Students are taught that this option represents a situation that normally occurs in a typical punitive discipline system—a trip to the principal. The principal acts as the police officer, judge, and jury. The principal, after listening to the parties involved in the conflict decides how the conflict will be resolved, typically resulting in a punitive consequence. The students have no voice in the matter once they have pleaded their case and the principal issues a “suitable” consequence based on her interpretation of the conflict. Option #2 is also the
pillar by which our current criminal justice system is built. If indoctrination into the social contract is facilitated at an Option #1, major transgressions of the contract are resolved through Option #2. In larger society Option #2 is seen to be the equivalent of a “just and fair” resolution to conflict—the definition of justice—based in a post-racial and cold interpretation of facts resulting in a predictable consequence or punishment. When marginalized groups engage in an Option #2 way of resolving conflict, they are subjected to judgment based on the “colorblind or post-racial notions of fairness and equality” embedded in our criminal justice system engineered to maintain the values and status of those in power. When looking at Option #3, parties in conflict are depicted as well as a third person or party (an X), with the parties rather than the “X” encircled. This visual represents the process of mediation or “conferencing” where the parties work together sharing power to find an agreeable solution or resolution to the conflict. This process is oftentimes seen in the civil litigation process where parties are often required or encouraged to participate in mediation to resolve disputes prior to taking a case to trial, a process in which the focus is not “punishment” but in “making whole again,” based on a conception of damages and losses rather than criminal offenses or transgressions.

Subsequently, Option #4 represents parties working together with shared power to resolve any conflicts between them without the assistance of a third person or party.

Options #3 and #4 in DTR are based in the restorative principals of recognizing the harm or injustice inherent in the conflict and working together to “make right” any harms or injustices suffered while simultaneously working to find solutions to prevent future conflict or harm. At Griffith Option #3 resolutions would be facilitated by volunteer
trained mediators (from Trinity Mennonite Church), myself (as Conflict Resolution Leader), trained peer mediators (with my supervision), administrators and at times teachers. After hiring for my position, I facilitated a majority of Option #3 mediations. Option #4 mediations or conferences would be facilitated at Griffith most often by teachers with students for which they wished to resolve a conflict. Students were encouraged to utilize the Option #4 process to resolve their own peer conflicts as well as conflicts outside of school in their families and within their larger community after being exposed to and made familiar with what DTR terms “the peace-making process.”

Ron and Roxanne believe that through the peace-making process (mediation or restorative conferencing) — and through a process of “shared” power lie opportunity for behavior transformation. DTR aimed to transform the way conflict is perceived—instead of distancing ourselves from conflict, using conflict as a bridge for understanding and thus transformation instead of mere behavior modification. Ron and Roxanne devised a “flowchart” to assist students and teachers beginning to implement DTR in their classrooms with a visual reminder of the process, or “procedure” one would follow to implement the DTR model with fidelity (See Appendix E: DTR Flowchart). While the flowchart later became a point of contention amongst teachers as too “clunky” or too “confusing” (Personal communication March 2, 2017) the existence of the flowchart was one of the reasons Griffith’s administrators chose the DTR model—they believed as teachers who habitually followed procedures, having clear and visual reminders would ease their break away from MYD. Griffith’s administrators were also drawn to the “whole classroom” approach to discipline as many teachers complained about the tedious
and draining nature of the “day-to-day babysitting” that was required to manage their overcrowded classrooms. The potential to not only resolve issues with students cooperatively but challenge the use of classroom practices that relied on the “carrot and stick” to modify student behavior (points and punishments)—instead providing an opportunity to empower students through a more relational process, was something that particularly appealed to Griffith’s administrators. I, too, was admittedly intimidated when I first cracked open the book and laid eyes on the flowchart. Although, once I gained an understanding of its primary components was much less reproachable.

Other school-based restorative justice models are absent the classroom component, focusing primarily on alternatives to punitive “consequence” through a restorative process—some focusing primarily on serious or even “criminal” offenses by students and some focused more on resolving student-based conflicts through peer mediation. The DTR model focuses first and foremost on the student/teacher conflict and addressing student misbehavior at all levels in a collaborative and restorative way.

Preparation for Implementing DTR school-wide and in the Classroom.

The flowchart begins with a box labeled “preparation.” The Claassens explain that this incorporates all of the personal and community work that needs to be done prior to implementation of DTR. In Griffith’s implementation this meant working with staff to explore the reasons why they had chosen to shift away from Make Your Day. Creating and modeling the development of the staff respect agreement was another essential part of preparation done at Griffith. While Griffith did not employ the use of community
building circles as part of the preparation process—and instead starting experimenting with community circles after months of DTR implementation—we discovered that circles can be an important part of preparation as they engender a process that promotes collaboration, respect, and both individual autonomy, and collective power. The circle process, as mentioned, while not specifically part and parcel to DTR is integral to many school-based restorative justice practices and a process I adopted and implemented during my time at Griffith. Roxanne also explains the importance of making a personal and private commitment to responding to a conflict with students constructively and according to the restorative principles of DTR. Preparing oneself, likewise, meant being willing to explore one’s own values and beliefs when it comes to discipline—beliefs that are deeply rooted in the behaviorist values of our current education system (Claassen, 2008). The teachers at Griffith continued working on these “preparation” items or community building strategies throughout the year along with being exposed to various speakers who were able to provide teachers with studies, numbers, and stories to better help them understand the “why” behind the work, including training on ACES, implicit bias, and the prevalence of the school-to-prison-pipeline. It was my understanding—upon coming aboard—that most all of the teachers in cohort one had prepared sufficiently and were at least, for the most part, engaging not only in the process but with the tenets and principles of DTR with fidelity. The teachers who had signed on seemed at the time to be “all in” and both thanked and celebrated my arrival to provide a missing piece to their practice.
Student preparation at Griffith began with discussions in the individual classes belonging to the original ten cohort teachers regarding why Griffith had decided to move away from MYD and try a different approach to discipline. Students were asked to share their opinions on the current system of discipline and after discussing what the development of a respect agreement would look like, as well as taught about the 4-options model. Students were asked if DTR was something they would like to try. Students were engaged in multiple discussions about DTR, particularly around the idea of mutual respect, in preparation. Students were also asked about what kind of school they would like to see—what goals they had for themselves, and what sort of changes they felt would most benefit Griffith’s community. Roxanne explains that teachers and administrators, as an important part of the preparation process, need to “clarify goals for discipline” ahead of time and be able to articulate those goals with students and parents, as well as to prepare a space for students and parents to articulate these goals as well (Claassen, 2008).

Using the DTR model to address student misbehavior.

According to the DTR model, after a respect agreement has been created time and effort has been spent in being purposeful about the cultivation of the values promoted in the respect agreement, as well as cultivating values that promote a more collaborative, empowered, and democratic classroom, the focus shifts to conflict resolution. The Claassens espouse the idea that we as a society should reimagine how conflict looks and feels. According to the Claassen’s in every conflict lies an opportunity for growth,
understanding and the deepening of a relationship and when conflicts are managed poorly or ignored relationships are damaged, and families, classrooms, and communities may experience high stress and low effectiveness due to unresolved conflicts (Claassen, 2008). When a student and a teacher inevitably end up in a conflict or when the student behaves in a manner that violates the mutual classroom agreement, the teacher, before issuing an arbitrary consequence, (or placing the student in “Step One”) will utilize what the Claassen’s call a “constructive reminder,” according to each teacher’s “best practices,” in regards to classroom training and management. Reminders are to be constructive, however, and negative, embarrassing, or isolating strategies for calling attention to a student’s behavior have no place in the DTR model. If a “usual constructive reminder” does not re-focus the student or the violating behavior persists the teacher or adult would then present the student with what the Claassen’s term an “I-message.” An I-message is an assertive statement that describes the problem the teacher is having with the students’ behavior in a non-confrontational or accusatory way. The statement allows for the teacher to take ownership over her feelings regarding the behavior by expressing how the specific behavior is affecting her and allows the teacher to state what she would like to happen to resolve the issue. The I-message strategy invites communication regarding the issue and allows the student to understand why his or her behavior is conflicting with the teacher’s expectation of or definition of respect and the respect agreement formally agreed. The teacher would ask the student to repeat what the teacher said to the student to clarify that the student both heard and understood the teacher in a practice termed “active listening.” The teacher would in term summarize
back to the student any concerns or comments the student wanted to make regarding the teacher’s message. Active listening is an important component of DTR, particularly in working to level the playing field of power that inherently exists between teachers and students by allowing student voices to be heard—by providing the opportunity for teachers to “repeat back” what they heard a student say—without correction, argument, or judgment. By prefacing the summary with “I heard you say” the teacher is acknowledging she was listening to the student, that what the student had to say was an important and essential part of any resolution. If the student’s behavior continues after both a usual constructive reminder, an I-message, and the use of active listening to proactively resolve the issue, the teacher or adult would alert the student to the development of conflict and invite the student to enter into a cooperative process for resolving the conflict. The teacher would first invite the student to resolve the issue cooperatively (using an option #3 or #4), and if the student declines allow the student to choose the option, he or she felt most appropriate with emphasis again being on a cooperative process (option #3 or #4). If the student is uncooperative or continues the behavior after committing to a cooperative process, the student is asked to visit my office, known as the “Thinkery.”

The Thinkery, my “office” or room is also known as the Peace Room or the Conflict Resolution Room. The thinkery is described as a neutral space for reflection, choice, and resolution and I worked hard to set myself apart from a “normal” teacher or administrator and made sure my room reflected my commitment to both neutrality and peace. A commitment that was not always easy, particularly in regards to balancing my
role with conceptions of loyalty and allegiance as both a student confidant and staff member assuming a support role for teacher discipline. Under the DTR model, it is not necessary that the thinkery be a separate room, and the thinkery was run out of Mr. Carter’s office before my arrival. Nor was it required that the adult in the thinkery be a “neutral” party—however at Griffith this was deemed as essential to effective problem-solving. When a student is involved in a conflict with her teacher and the student or the teacher is unable to agree on how they would like to resolve the conflict the student is asked to visit the thinkery. Unlike the dreaded trip to the “office” students would take in the past resulting from a confrontation or conflict with a teacher or other adult staff member, I welcome the student to sit down and talk through the conflict with me (as the person “running” the thinkery). I then encourage reflection and personal accountability by having the student work through the conflict with me out loud including what happened and who may have been impacted. I then help the student decide on how they would like to resolve the conflict by again inviting the student to choose a cooperative and restorative process.

Violet burst into the thinkery, visibly agitated. I asked Violet to have a seat at the table with me so we could discuss what had happened. She walked over to my shelves and picked up the stress ball I kept there and sat down. Violet is a petite Latina girl in the 7th grade with long dark hair full of energy and a fast talker. I pulled out a thinkery referral form, spoke with Violet for a few minutes about her day and inquired about her weekend, making sure to ask how things were going with her mother, as I remembered their relationship was rocky last I spoke with Violet. When I no longer noticed visible
signs of agitation, I asked her why she had been referred to the thinkery. She told me that she had been talking to Isabella during math instruction. She said that Mrs. Backinger had asked her multiple times to stop talking. She admitted she would stop talking for a couple of minutes but would get distracted by other students and start talking again. “Anything else”? I prompted. I had read Mrs. Backinger’s referral for this student which mentioned she believed Violet had thrown a paper airplane across the classroom after continually disrupting the class. Violet rolled her eyes and stated that Mrs. Backinger thought she had thrown a paper airplane. She denied this saying she did see that a paper airplane was thrown, but it had come from behind her. Violet and I discussed her talking in class and worked through together how Mrs. Backinger may have felt about the disruption, as well as other students. When I asked her what she felt she could have done differently, she looked at the ground. After a few moments, Violet told me that she did not care if Mrs. Backinger called her parents because she was going to tell her mom what Mrs. Backinger said to her. Violet expressed that Backinger had called her a “witch but with a “b” during one of their conversations. Violet expressed she had been holding onto anger and resented Mrs. Backinger for the name and on top of being accused of throwing the paper airplane following Mrs. Backinger’s instructions was not high on her list of priorities that morning. I spoke with Violet about how she would like to resolve the conflict with Mrs. Backinger. She hesitantly pointed to option three and stated she would like help talking with Mrs. Backinger, and was willing to work to resolve the conflict between them. Violet agreed to try her best not to aggravate the situation by following instructions until the mediation could be scheduled. She thanked me and headed back to class.
A peace-making process: the three-step process.

The process by which conferences or mediations are held is referred to in DTR as the “peace-making” process. I will explain the basic tenets of the mediation process here as it will be integral to the understanding of the model and ultimately this model’s disruptive potential.

The peace-making process is modeled after Ron Claassen’s involvement in the development of Fresno, California’s Victim Offender Reconciliation Program or “VORP” and follows much the same process. Before conducting a formal mediation, I would meet with both of the parties involved in the conflict—student and teacher, or each of the students involved in a student-based conflict, separately, to explain the process, clarify their commitment to a constructive resolution, and find out from their perspective what they felt defined the major issues contributing to the conflict. I would also assess the level of responsibility and accountability each accepted for the conflict. I would make a determination based on this information whether the mediation would focus more specifically on repair “making up for what already happened” or problem-solving “preventing future issues and coming to mutual agreements.” Most importantly I would get an idea of the needs of each participant and what each person felt might need to be done to “make things right or move forward.” The individual meetings were important and helped guide the mediation process as many times when facing one another other students (and teachers) would often forget or lose sight of important and transformative points made during an individual meeting. Of course, in an ever-changing fast-paced educational environment, there were times when I was called upon to facilitate an
impromptu mediation where an individual meeting was not always possible. I did try, whenever possible, however, to meet with parties individually as this is a crucial step in the DTR and peace-making process as outlined by the authors. There were times when mediations would be held directly after a conflict or violation, but for the most part, mediation would be scheduled the following day and in some cases a few days later particularly if the conflict was between a teacher and student having to be mindful of the teacher’s schedule.

After individual meetings and an agreement to resolve the issue through the mediation process as well as a commitment to working constructively for a solution, the parties meet together. I would reaffirm the notion of “shared power” particularly between teacher and students, and at times would have to work with teachers to prompt them to “take off their teacher hat” during mediation and relate to the student on a more personal level by imploring teachers to relinquish some of the power inherent in their role as a teacher. Volunteer mediators were especially valuable in providing a different perspective when speaking with teachers in regards to navigating their roles with students during mediation or conflict resolution. With students, the emphasis was on the power between the students to define what justice looks like to each of them—to determine what solutions were viable to each of them, with an emphasis on my role as a mediator, not as an authoritative adult. The mediator or mediators would then go over the ground rules for the mediation as outlined in DTR. I would explain to each participant the purpose of each ground rule and invite agreement to follow the ground rules as well as ask if the participants felt any there needed to be any additional rules.
- Allow the Mediator to Lead
- Say if it is Not Fair (any party may ask for a break)
- No Interrupting (one person speaks at a time).
- Be Honest
- Be Willing to Summarize
- No Name Calling or Profanity

The next step in the peace-making process under DTR is described as “recognizing the injustice and violations.” Participants are asked to take turns sharing how they experienced a conflict—what loss or harm they suffered or caused the other person or persons to suffer and what impact the behavior or offense made on them. The other participant(s) is asked to summarize back what they heard. Once each participant has had a chance to identify the harm in the form of injustice, conflict, or problem the participants shift to the final steps in the process. Participants are given a piece of notebook paper and a pen and asked to start brainstorming ideas for agreements with the purpose of restoring equity and clarifying future intentions. Participants are asked to identify what needs each has and what steps might be taken to fulfill those needs “make things right now and what steps can be taken to prevent harm or conflict in the future. After participants generate some suggestions the mediator works with the participants to decide together which solutions or suggestions are agreed on unanimously and those agreements were written down in a document labeled “Student/Teacher Respect Agreement” (the same form was used for Student/Student agreements) (See Appendix F: Sample Student/Teacher Agreement Form). The mediator reviews the agreement with the participants and sets a time for a follow-up meeting to ensure all agreements are kept. The follow-up meetings were particularly crucial to the process as follow-ups would ensure accountability and
responsibility for fulfillment of the agreement and provide a space to troubleshoot any issues that arose as well as celebrate successes. A celebration of successes would engender a sense of affirmation, particularly in students, for taking responsibility to mend what is broken—to provide students and teachers the opportunity to find the intrinsic reward in restoring a relationship and at times even creating a positive relationship where one did not exist. I would always try to follow up with mediation participants within a week; however, at times, longer periods would go by due to the instability of schedules and improvisational nature of the school day. Mr. Carter had expressed to me on one of my first days on the job how integral my position was particularly in managing and following up on agreements. Before I had come on board and Mr. Carter and Mrs. Carroll were conducting a majority of mediations with the help of volunteers, he admitted the follow through often “fell through” due to a lack of time, organization, and human resource.

When agreements are broken and the school authority structure.

As part of the DTR process, if a student is unwilling to keep his or her agreements, or has refused an invitation to be cooperative the student’s teacher, myself (the Conflict Resolution Leader), or an administrator would schedule a Family Conference with the student’s parents or guardians. Parents were invited as partners to work with their student and his/her teacher to develop an agreement and work toward conflict resolution and relationship restoration. The family conference would also allow parents to describe what needs they might have in regards to their child’s behavior and
allow for parents to request additional support from teachers or administration. Family conferences were most often scheduled for student/teacher conflicts but under DTR could be scheduled to bring the families of conflicting students together to work toward a just resolution. If a student continues to break his or her agreements after a family conference the “case” would be referred directly to school administration who would decide what avenue was most appropriate including possible suspension or referral to alternative education depending on the severity or the longevity of the ongoing issue. Under DTR, it is also important to note, that if a student exhibited behavior that violated the “school discipline code” such as “fighting, theft, severe verbal abuse, weapons, sexual offenses” or any offense that was perceived to endanger the immediate safety of others or the safety of that student the “offending” student would be sent directly to the “office” or school administration. At Griffith when a student was referred for such a violation, the principal(s) would determine the best course of action including but not limited to contacting parents, offering or referring the case for a restorative mediation or conference, or suspension. Although not specifically part of DTR, at Griffith and starting with Julio, I implemented restorative re-entry or welcome circles that were used in conjunction with any suspensions to ensure a suspended child was welcomed back into the community and his/her parents received the necessary support to promote success upon return. The goal of DTR to reduce the use of suspensions but first and foremost to rebuild and transform relationships, of which simply “not suspending” does not alone afford.
A Final Note on DTR

During the 2016-2017 school year a total of 640 DTR mediations were conducted to include mediations that were conducted at an “option 4” (where the teacher alone mediates or “conferences” with a student) and mediations conducted at an “option 3” (where mediations were conducted by an outside mediator to include me as well as other community volunteers). These mediations included those that went through the peer mediation program and all mediations between both teachers and students as well as students involving other students including the 114 mediations I personally facilitated or co-facilitated.

The crux of the Discipline that Restores program is the “student/teacher” mediation/conference or how conflict is resolved between a student and a teacher as described above. I will make a special note here about what I found to be the vital importance of the student/teacher mediation in relation to the school-to-prison pipeline and the larger societal consequences of student misbehavior and criminalization of that behavior by teachers and administrators. Teachers are typically the first and most prevalent person in a position of authority that shape students’ experience in the classroom, particularly in the elementary and middle school years. When students come into conflict with their teachers the processes of alienation, labeling, resentment, resistance, and finally removal are triggered, particularly for students of color. While student/student conflicts can result in the student’s removal from the learning community, as well as shape the way teachers, students, and other members of the community perceive the student (and the way the student sees himself), student/teacher mediations
or conferences provide a ripe opportunity for a leveling of power between two groups where such a dynamic is rarely if ever apparent. The student/teacher conference or mediation is the crux of the DTR model, and what ultimately sets this model apart from many others; the student/teacher mediation is also arguably where much of this model’s disruptive potential lies. While Griffith endeavored to utilize the principles of DTR in the classroom and regards to student/teacher conflicts, many of the instances where DTR ended up implemented were in regards to student/student conflicts. In DTR, these conflicts are handled in much the same way (via mediation/conferencing) as student-teacher conflicts and at Griffith were facilitated by volunteers, peer mediators (other students), or myself as the Conflict Resolution Leader.

As someone who did not have any formal background or training in education at times, I felt out of stead in coaching teachers or giving advice regarding the day to day implementation of DTR in the classroom apart from conferencing and mediation which is what I had been hired to facilitate. I found the importance of mentors and direct classroom support became extremely crucial—a piece that I would later find to be missing and largely due to fractured relationships and perceived power imbalances between teachers and administration. My formal background being outside of education, while I sometimes felt a limitation—proved to be and was heralded by Mr. Carter and Mrs. Carroll as well as the team that hired me, an asset as a fresh way of looking at things, someone with a different perspective. Mrs. Carroll had explained that teachers had a certain mentality ingrained in them throughout their education and teacher training, that at times teachers suffered from tunnel-vision or a lack of perspective, particularly when it
came to new and “progressive” ideas that challenged the status quo in educational practices, restorative justice as one such idea. I would need to remind myself to challenge a practice that I found to be out of sync with the restorative transition the school aimed to make, out of sync with the core philosophy behind restorative practices, or not in the greater interest of social justice—in doing so, however, I had to challenge my insecurities regarding my general lack of experience in education and the value of my contributions. This situation proved a constant challenge as well as transformative experience for me throughout my study particularly in regards to some of the subtle and not so subtle suggestions that some of my values and beliefs—a part of my identity—did not have a genuine place in the school. It took, at times, a tremendous amount of patience, dedication, and personal reflection to keep from bending at will—from second-guessing much of what I believed to be true and acting in accordance with the historic values of the institution; in order to feel as if my work was of value within the greater school and education community. Through this experience I was better able to understand the everyday experience of marginalized students fighting for validation in a system that does not value them, a system that both subtly and not so subtly attempts to challenge and reshape their very identity.
CHAPTER 4

FINDINGS

“Teachers are finally listening.” – 8th grade White Female student (Observation, February 10, 2017)

Restorative Justice, The Politics of Caring, and the School to Prison Pipeline

Violet sat nervously across from Mrs. Backinger, snapping her knuckles and fidgeting with her pen. She nervously laughed as one of the volunteers, Mr. Davidson a soft-spoken white man in his early fifties, with a gentle and inquisitive demeanor, asked her what subjects she most enjoyed. Mr. Davidson had come to co-facilitate the mediation between Violet and Mrs. Backinger that morning. Having been facilitating mediations since early November, the current mediation taking place in February, I was feeling much more confident in my role and at ease with the process. It was always nice to have a volunteer co-facilitate with me, and I had grown to appreciate Mr. Davidson’s style and felt he and I had a productive working rapport. Violet had been to the Thinkery once more after my initial visit with her regarding disruption and the throwing of a paper airplane in her class. Tensions between Violet and Mrs. Backinger were at an all-time high. Since Mrs. Backinger had not a free morning until now—Monday of the following week, we were finally able to sit down in an attempt to mend the broken relationship between them. Mr. Davidson had introduced himself to Violet and was working to put her at ease before beginning. I started by welcoming both Mrs. Backinger and Violet and explaining after meeting with both of them separately what I understood the conflict to be over. I asked if my understanding more or less matched their understanding of what had
brought them together today. Mrs. Backinger replied “yes,” and Violet nodded. After Mr. Davidson reviewed the ground rules and reaffirmed a commitment to finding a constructive resolution “making things right” I asked Violet if she would like to start by expressing how she was experiencing the situation with Mrs. Backinger. I asked Violet if she would like to speak first giving Violet the opportunity to gain a sense of power where she typically had very little—being the more disadvantaged of the two. Violet nodded, faced Mrs. Backinger, and then assertively regaled the events that had happened in the classroom the week before. Violet admitted to being asked to stop talking during instruction and acknowledged that she had continued to talk. She spoke about being asked to visit the Thinkery after she had chosen to continue talking; she expressed concern that Mrs. Backinger had accused her of throwing the paper airplane. Violet paused and cautiously looked my way. I took advantage of the pause and asked Mrs. Backinger if she could summarize what she heard Violet say. Mrs. Backinger had a stern but kind look in her eye. She sat with perfect posture in her chair, her fingers interlaced but lying flat on the table. Mrs. Backinger took a deep breath, looked directly at APPN and stated, “well Violet I heard you say…..” and summarized what she heard. Mrs. Backinger then said, “well, Violet I saw you throw the paper airplane…” Mr. Davidson then gently reminded Mrs. Backinger that she did not have to agree with what Violet was saying but that this was her time to listen to Violet’s perspective and that she would have time to share next. Mrs. Backinger smiled and agreed. I urged Violet to express how she had been feeling in class with Mrs. Backinger to which she replied that she had been feeling “frustrated” and “upset.” I asked her how long she had been feeling this way and
she replied “about a month.” I asked Violet if anything had happened to make her feel this way, knowing that Violet had disclosed to be that Mrs. Backinger had called her a name. During my conversation with Mrs. Backinger, I asked her if she remembered ever calling Violet this name to which she replied that she could not remember ever saying that to her, but admitted it was possible. I wanted Violet to express to Mrs. Backinger what she was holding on to so that Mrs. Backinger could better understand the cause of Violet’s behavior. Violet again looked at me nervously and asked: “can I say it?” I assured Violet this would be the perfect time to explain to Mrs. Backinger what had happened. Violet sat up straight and began to explain to Mrs. Backinger that a couple of weeks ago Mrs. Backinger had asked Violet to stay back after class. Mrs. Backinger wanted to talk to Violet about something that had happened in class. Violet said Mrs. Backinger had told her “well you know Violet, sometimes you can be a real witch but with a “b.” Violet looked down. I turned to Mrs. Backinger and asked her to summarize what she heard Violet say. Violet then explained how she felt after that conversation with Mrs. Backinger. Violet expressed that she felt a little “shocked” and “confused” because she was unsure why Mrs. Backinger would say that to her. Violet expressed she had known Mrs. Backinger for a long time and felt angry and hurt that Mrs. Backinger felt that way about her.

When it was Mrs. Backinger’s turn, she started by responding to what she had seen in the classroom that day and why she was frustrated with Violet’s behavior. Mrs. Backinger expressed that she felt embarrassed when she saw the paper airplane as she had been struggling to get through an important math lesson and felt that Violet had been
encouraging other students to disrupt the lesson as well. Mrs. Backinger paused then expressed to Violet that at first, she had not been able to recall a time when she called Violet a “witch but with a “b.” But after thinking about it, she remembered the conversation. She explained to Violet that since she had indeed known Violet for quite some time as a student, she felt she had a certain rapport with Violet and would be able to joke around with her in a way she could not with other students. Mrs. Backinger explained that she had a picture of the “wicked witch of the west” from “The Wizard of Oz” hanging by her desk and had even worn a witch’s hat on Halloween, cackling and telling the students “the witch is in!” She said it had been a sort of long-running joke in her class that at times she would say “Okay boys and girls you don’t want the witch back, do you?” Mrs. Backinger said that she had meant to call attention to Violet’s behavior that day in class, but instead of speaking to her directly she tried using humor to level with Violet and to express that she in fact adored Violet and cherished her as a long-time student. By inviting Violet to share in an agreement that sometimes Violet’s behavior was “witchy, she hoped to benefit from the relationship she thought they had.” Violet who had been watching Mrs. Backinger and intently listening looked genuinely surprised at Mrs. Backinger’s recollection. Violet summarized what she had heard from Mrs. Backinger, and Mrs. Backinger continued by expressing that she was very sorry that Violet had been holding on to this misunderstanding and that she had not intended to make Violet feel the way she felt. Mrs. Backinger looked directly at Violet and expressed that she had misread the situation and that sometimes she forgets that students may not be on the same page with sarcasm or another roundabout way of showing affection. Mrs.
Backinger continued by telling Violet how much she enjoyed having her as a student and why it hurt her when she felt Violet purposefully acted in a way that was violating their classroom respect agreement, particularly when her actions seemed to create similar actions amongst other students. Mrs. Backinger also stated that it was possible Violet did not throw the airplane and that since she had already been frustrated with Violet, she had made that assumption, and apologized. Violet smiled and nodded. After summarizing what she heard from Mrs. Backinger, Violet apologized for repeatedly disrupting the math lesson. I exchanged a satisfied glance with Mr. Davidson. While I felt confident Violet and Mrs. Backinger would be able to come to an understanding I am always nervous that a sufficiently safe space has not been created and that a student may not feel safe enough to engage in genuine resolution. I wonder if the power playing field had been sufficiently leveled, particularly when teachers are involved. I felt confident that Violet and Mrs. Backinger had come to a much deeper understanding. Since time had lapsed, and Mrs. Backinger needed to return to her students who would be returning from their special area classes, Violet and Mrs. Backinger agreed to meet again, just the two of them this time, and come up with a set of mutual agreements to prevent future conflicts of this nature from happening between them again. Both thanked Mr. Davidson and me for our time and left the thinkery together smiling. (See Appendix G: Agreement Form).

Restorative Justice as a Tool for Care and Validation: Creating a Culture of Care

Violet expressed during a formal interview when asked how her relationship had changed with Mrs. Backinger after the mediation that things were “much better” in class.
Violet stated that while she felt embarrassed at first speaking in front of her teacher and two other adults, being able to tell Mrs. Backinger how she felt about being called the name and having Mrs. Backinger listen, helped her be able to move past her frustration. Violet smiled and said, “I am better and she helps me more” (Personal Communication, May 9, 2017). When I asked Violet if she felt Mrs. Backinger cared about her, she replied “yes.” Throughout the observational period of my study and during my interviews one theme, in particular, seemed almost intractably persistent. In reading through field notes and listening to daily recorded experiences, as well as identifying and analyzing my own feelings, the concept of care continually emerged. Care placed at the center of education is far from a new concept, and is even at times somewhat banal, scholars have breathed new life into the debate by aiming to understand the intersecting lines of race, class, gender, culture, and other areas of difference amongst diverse multicultural schools and communities (Eaker-Rich & Van Galen, 1996). Griffith school represents a multicultural community, particularly with the majority of those in power belonging to a dominant group (predominantly white teachers and administration) that has historically exercised power over a majority of the student population (Latino@s). To better understand this phenomenon I delved deeper into the literature to understand how care is negotiated and how ideas of care relate to ideas of justice. I hoped to identify challenges to care that may exist in settings exhibiting high degrees of difference and historical marginalization. Through an examination of existing literature, I was able to gain an understanding of what role restorative justice and DTR, in particular, played in negotiating care—in
understanding or knowing the nature of one’s needs and desires—in an institution constrained by power discrepancies.

Schools function as institutions bound by a plethora of structural barriers to care found in rules regulating everything from dress code to a personal code of conduct governing the nature of all relationships between students, teachers, administrators and their communities. Ella Flagg Young, under the tutelage of John Dewey and informed by Dewey-inspired principles relating to democratic schools, argued in the early 1900s against many of the inflexible and rigid regulations governing schools born from the mentality that the answer to disorder in schools (as a symptom of poverty and general disorder in the community) lies in standardization and regimentation. A practice which persists still today as evidenced in the bureaucratic layer between school administrators and the communities they serve. Young argued that schools needed to understand and help children and that structural rigidness aimed at increasing efficiency created a sense of powerlessness and isolation among students and school employees alike. Young believed that efforts by school administrators in particular to standardize and regiment schools would “inevitably isolate students and teachers alike from independence, intelligence, and each other.” (Eaker-Rich & Van Galen, 1996) Young argued that many times when administrators, faced with a chaotic situation—a perceived breakdown of order in schools—tend to react by over-structuring schools rather than by striving to give teachers and students room to develop and grow. This tendency to over structure, regulate, and control to maintain order and debatably power in school mirrors unsurprisingly the measures taken in response to a perceived increase in general
lawlessness and disorder found in greater society by the creation of more laws and the building of higher security detention facilities. An important foundation supporting what has become an almost knee-jerk reaction to perceived “disorder” is the predisposition carefully outlined in the existing social contract tailored made by the status quo—to a justice orientated worldview. A justice-oriented worldview defines justice as equality based on the “principled conception of individual and natural rights.” Under the justice orientation, often the essence or specific needs of the individual are not part of the rationale, [but] rather a generalized notion of individual rights and needs define this orientation” (Eaker-Rich & Van Galen, 1996). The justice orientation advocates for equality, reciprocity, autonomy, obeying rules and upholding principles which sound “just” and “fair” and perhaps might be if every citizen or person played on a level field. Conversely, a caring disposition is seen to emphasize responsibility to humans rather than to abstract ideas—a caring worldview “holds as most important a concern for connectedness to others and the maintenance of relationships.” Kay Johnston (1992) examined the connection between teachers’ moral orientation (justice or caring) and the manner in which teachers’ made decisions in the classroom. It is the process of decision-making and thus the maintenance of power that I discovered to be vital to not only understanding and performing within any restorative justice model, but in challenging the idea of justice in opposition to care. The decision-making process in the classroom became a conduit for student perceptions of care (Eaker-Rich, Van Galen, 1996).
The great Pokemon disaster of 2017.

It was early February, we had just returned from Christmas break, and I felt a renewed sense of commitment to my work in assisting teachers and students with the implementation of DTR amidst an unsettling feeling that many teachers did not feel the same. As a school, we were preparing for a visit from Ron and Roxanne Classeen and preparing to initiate a second and hopefully final cohort of teachers into the DTR practice bringing our school to full implementation. The spirit, however, did not seem to be an enthusiastic one as teachers wrestled with preparation for state testing, post-holiday blues and mounting frustrations and thinning patience for troublesome students. That morning in early February, however, I was in good spirits. I had been working to build a relationship with Julio since our re-entry circle at the beginning of December using the agreed upon morning check-ins, as well as spending time playing sports with Julio at recess (he had begun inviting me to play). I had been playing with him as an opportunity to get to know him better— to show him I cared. While Julio had not exhibited any challenging behaviors in class since his return from Blueprint, he at first, struggled to make his check-ins—forgetting them or blowing them off, (though he denied the latter, blaming forgetfulness), but since our return from break, something seemed to have changed with Julio. He was showing up every morning. It was in the spirit of progress in connection and validation in my efforts with Julio that I welcomed Mr. Carter who appeared suddenly at my office door. Mr. Carter sat down a twinkle in his eye despite the ever-increasing sense of malcontent in the air, a look I had grown to understand meant his excitement in being faced with a new challenge, an opportunity to test our restorative
practice. Mr. Carter began to explain that three 5th grade students Emilio, Pablo, and David had been caught stealing Pokemon cards from Mr. Abraham’s bag on Friday. Mr. Carter explained that unfortunately, Emilio had been suspended for half of the day that past Friday as Emilio had broken the respect agreement he had made with his teacher, Mr. Abraham, his mother, and administration as a result of repeated instances of student conflict and disruptive classroom behavior. I was aware of this agreement, as I had been part of Emilio’s family conference as well as mediated some student conflicts for which Emilio had been involved. Mr. Carter had made it clear that if Emilio failed to live up to his end of the agreement, the school was at liberty to issue a suspension and since the theft was considered a serious offense, Mr. Carter felt that he had to enforce his end of the agreement and suspend Emilio.

The other two boys were not suspended, Mr. Carter had instead called each of their parents personally to discuss the matter, inviting parents to encourage their student’s participation in a restorative process. Mr. Carter advised me that both David and Pablo had been very emotional about the whole ordeal, crying as they spoke to their parents in the office and recalled what happened. Mr. Carter said Emilio seemed generally un-phased by the suspension, I even recalled Emilio—a bright, opinionated, voracious yet mischievous, 10-year-old Latino student, telling me once that he felt he was popular because students saw him as “bad,” joking that he and his friends called themselves and their group “thug life.” (Observation, February 5, 2017). I could only guess how this suspension fed into this burgeoning narrative. Mr. Carter then began to explain that he had spoken to Mr. Abraham who agreed to participate in a mediation with the three boys
so that the boys could better understand how their actions impacted Mr. Abraham and the class. “I imagine the boys have quite a bit to say about what happened as well,” I mused. Mr. Carter chuckled, “I am sure they do, and I am hopeful they will be able to find a way to move forward with Mr. Abraham.” Mr. Carter warned me that Mr. Abraham had reluctantly agreed to the mediation stating he did not believe it could make the situation worse but was unsure how it would help as he was personally feeling exhausted by the whole thing and had little faith that the three boys would change their tune or their behavior. Mr. Abraham, a white man and retired minister who appeared to be in his early 60s, had been devoted to the practice of DTR at the beginning as he found many biblical principles present in restorative justice which deeply resonated with him on a personal level. Mr. Abraham expressed during an interview that while he had tried to follow the DTR steps with fidelity he never really had the chance to build a community of trust in his class. “We never got there, we tried to implement that at the beginning of this semester, this quarter, but by then [3rd quarter] too many of the relationships had already been set and defined, and there really was not much of a chance to go back.” (Personal communication March 8, 2017). Mr. Carter and I discussed enlisting volunteers Mona and Liam to assist in the mediation. I advised I would prepare the three boys and Liam would prepare Mr. Abraham. Mr. Carter explained that while Mr. Abraham believed in the philosophy, he had a hard time connecting with the kids, his “old-school” hard-nosed personality clashed with many of the students and Mr. Carter explained he felt this was one of the reasons why Mr. Abraham’s students often engaged in power struggles with him. I understood this as I, at times, felt intimidated by Mr. Abraham’s more
authoritarian demeanor and often felt as if my nurturing and relational approach with his students was questioned. Mr. Carter felt that Liam, also very involved in his faith, and being closer in age to Mr. Abraham than myself or Mr. Carter, might be able to speak to Mr. Abraham in a way that would allow for the most meaningful conference. We planned to hold the mediation the next day during Mr. Abraham’s prep period.

On the day of the mediation, I sat outside in the hallway with an excitable Emilio, Pablo, and David. All three U.S. born Mexican students from immigrant families. Emilio and Pablo clearly leaders having dragged little David (the smallest and quietest of the three) into the mix. The boys were fired up—all three felt a great injustice had occurred. David explained that Mr. Abraham had taken Carlos’s Pokemon cards and the three boys decided they would steal them back. Emilio felt it unfair that he was suspended and Pablo and David were angry at Mr. Abraham; they believed Mr. Abraham was going through their desks in search of cards. David expressed he felt it was hypocritical that Mr. Abraham is allowed to go through their desks, but they got in trouble for going through his bag. I explained to the boys that I understood their frustration, but this process would give them a chance to hear from Mr. Abraham how he experienced the situation and would allow them to work out some of the frustrations they had with Mr. Abraham so they could all move forward. I encouraged the boys to speak freely, but also to think about the ways they could have acted more constructively and what they might need to do to work to build back trust with Mr. Abraham. I made sure they understood this was an opportunity to make things right and move forward and that had to be the focus. “I hate Mr. Abraham.” Pablo expressed. I secretly had my doubts about how “restorative”
this conference would end up being as both parties felt wronged and while the boys were willing to take responsibility they appeared in no way apologetic for what happened. I hoped Liam’s conversation with Mr. Abraham was going well because something told me Mr. Abraham would need to take off his “teacher” hat and listen to the boys. The boys were ready for a power struggle if that was Mr. Abraham’s intention; a power struggle they would not win and which would not result in a cooperative agreement. I was relieved to have Liam co-mediating as my efforts at neutrality and my constant reflexivity about how my role was perceived, my ability to gain the trust of the participants—particularly the students, at times left me overwhelmed, particularly in a tense mediation between students and teachers. Liam represented a true outsider without a relationship with either party and so our combined positions, I felt would be very valuable. I opened the mediation with introductions noticing the tension in the room. Mr. Abraham sat quietly, arms crossed, lips pursed, peering from behind his wire-framed glasses a stern look in his eye. The three 10-year -old boys sat across from him quietly fidgeting and squirming in their chairs agitated by Mr. Abraham’s stare but seemingly eager to speak. After going over the ground rules, Liam made an important statement. Liam suggested that the group speak only regarding the Pokemon incident. Mr. Abraham had divulged to Liam that he wanted the chance to delve into all of the problems he had with the three boys from behavior to grades and back around to the Pokemon incident. Liam had pointed out that if we were able to make things right over the Pokemon incident—if he and the boys were able to come to an understanding regarding this matter, this one incident could act as the catalyst for the development of a better relationship with
the boys. Continuing to focus on all of the problems (particularly with Emilio) would likely only exacerbate the situation. Since Mr. Abraham was the perceived victim in the situation and outnumbered — since the boys had broken a school rule and violated their classroom respect agreement (theft) he was asked to speak first. After going into detail about taking away Carlos’s Pokemon cards and putting them in his bag returning from lunch and finding the cards missing Mr. Abraham launched into a soliloquy about the way he was raised and the way he raised his sons. He lamented his extreme disappointment in the boys’ actions and that he felt the boys needed to take responsibility for knowing the rules regarding Pokemon cards and choosing to violate them. Mr. Abraham explained that the way he was raised was to respect authority, to respect the rules, and to be honest, and it was admittedly his conservative upbringing and paternal nature that caused him to feel so upset by what the boys had done. Mr. Abraham expressed his frustration at trying to teach and the constant interruption posed by the cards and expressed that he felt he could no longer trust the boys and that hurt him a great deal. Each of the boys took turns summarizing some of what they heard from Mr. Abraham. I could sense a shift in the energy of the room, while still tense I could see humility in the faces of the boys where before there had been none. It was now the boys’ turn to share how they experienced the situation. Emilio spoke first and recounted how he experienced Mr. Abraham taking Carlos’s Pokemon cards. He then began to explain how Carlos had returned to the group crying and very upset that Mr. Abraham had taken the cards. Emilio explained he had felt sad for Carlos and did not want to see Carlos get in trouble at home for losing the cards and so decided to take the cards back to help Carlos.
Emilio stated that he was sorry for going through Mr. Abraham’s bag, but had only wanted to help Carlos. Pablo spoke next, recounting much of what Emilio had stated. Pablo agreed that he felt angry seeing his friend so upset and did not feel it was fair that Mr. Abraham had taken Carlos’s cards when other people had cards as well. Pablo also apologized for going into Mr. Abraham’s bag and stated that he knew he had made a mistake as soon as he did it, but like Emilio, wanted to help Carlos. I noticed the boys’ demeanor had shifted the anger they seemed to exhibit in the hallway had dissipated.

While the boys had been honest, I had expected them to say more, something that would allow Mr. Abraham to gain a better understanding of their position of why they felt so passionate regarding what had happened, I prepared myself to begin to ask the participants questions that I felt might help them understand each other better but decided to let the last participant speak first. Little David was the last to speak and what he shared surprised me. I assumed he would recount what Emilio and Pablo stated and apologize, (whether they were sorry or not as they felt that was expected), but he began by expressing that he did not trust Mr. Abraham. David began by explaining that he (as well as other students in the class—including Emilio, Pablo, and Carlos) felt that Mr. Abraham did not respect their privacy and would rustle through their desks during lunch time. David expressed that is how he believed Mr. Abraham found Carlos’s cards. David repeated that he did not feel that was fair and went so far as to state he felt it violated the classroom respect agreement. David stated that because they (the boys) felt this was true, they felt it was “fair” for the boys to rifle through Mr. Abraham’s bag. David normally timid and in the past—in my experience—seemingly unwilling to confront Mr. Abraham
directly, sat up tall. Mr. Abraham was listening closely to David and nodding. David continued by stating that he also did not feel it was fair that Mr. Abraham take and destroy Pokemon cards. David lamented that he understood the rule regarding the prohibition of Pokemon cards in the classroom and felt it was fair to take away those student’s cards who brought the cards out during class, he felt the student’s cards should be returned, however, at the end of the day. David did not feel it was right for Mr. Abraham to rip up cards or take cards home to give away to his grandson. Both Liam and I looked curiously over at Mr. Abraham, finding it hard to believe that Mr. Abraham would destroy a student’s property—contraband or not. Mr. Abraham continued nodding and acknowledging David, giving nothing away. David continued by expressing frustration and anger about the destruction of Carlos’s cards he stating that he knew Carlos’s cards had been expensive—he had many valuable cards—and felt that Mr. Abraham was not respecting the fact that Carlos’s parents paid money for those cards, money that not everyone had in their community.

Mr. Abraham finished summarizing what he had heard from Carlos then let out a heavy sigh, and the room fell silent for a moment. Mr. Abraham looked to Liam and I and asked if he could respond to Carlos. I encouraged his response and instructed a time for conversation and clarification based on what each person expressed. Mr. Abraham’s tone had changed when he addressed Carlos, much less matter-of-fact. Mr. Abraham expressed that he wanted the boys to know that he never went through their desks or backpacks at recess. He stated that technically and according to the school code of conduct he was allowed, as their teacher, to go through their desks or backpacks for
safety reasons. He explained that he had never done this and did not feel it respectful to do so unless a safety reason was concerned. He explained that he did very much understand and value their need for privacy and felt saddened that there seemed to be a mutual idea amongst students that this practice was happening. Mr. Abraham explained that Carlos had his Pokemon cards in his pocket, some had fallen onto the floor during instruction as he appeared to have been attempting to trade cards with another student at that time, that he reiterated had not gone through Carlos’s desk. All three boys seemed surprised by Mr. Abraham’s concern regarding setting the record straight—not, it seemed, to justify his position but to ameliorate bad blood between himself and students based on a misconception. Mr. Abraham then, a bit more sternly, expressed that he had trouble understanding, regardless of how he obtained the prohibited cards, why the boys felt it was acceptable to bring items from home which they knew to be against the rules. Mr. Abraham, now a bit more defensively, suggested that if you choose to bring property from home which you know is not allowed at school, then you risk the loss of that property—it is that simple. Before giving the boys a chance to respond Liam wanted to clarify with Mr. Abraham that he would indeed rip up or give away the students’ Pokemon cards. Mr. Abraham sat up straight and defiantly stated, “Well, yes!” He began to explain that the students were very well aware of the expectation regarding cards in class and the consequence of being caught with cards. David asked to speak in response to Mr. Abraham’s question passionately explaining to Mr. Abraham that many of the students bring Pokemon cards even though they know they are not allowed because school is the only place they can play and trade with each other. David went on to explain
that many of them did not live in the same immediate neighborhood and many of the children in their neighborhood were “too poor” and did not have Pokemon cards. David also explained that many times they were not allowed to play outside when they got home from school because according to their parents “it was too dangerous.” He explained that while they understood the rule, the school was the only place they could enjoy playing with their cards and so found it worth the risk. Emilio and Pablo seconded David’s admission. Emilio piped up and stated that they understood it was a risk they were taking but still felt regardless, it was not Mr. Abraham’s right to destroy cards their parents had worked hard to buy. Mr. Abraham’s face was twisted up, and I could tell he was deeply contemplating what he had heard. After another long moment of silence, Mr. Abraham admitted to the boys that he had never considered they may not have other children to play cards with at home. I exchanged a confident glance with Liam, we both felt this was a good time to start working toward “making things right” and possible solutions to the Pokemon dilemma.

Mr. Abraham apologized to Emilio, Pablo, and David for destroying cards (even though he maintained the boys knew the consequence when they made a choice) and he apologized for potentially creating an environment where students including the three boys felt they could not trust him as their teacher. While Emilio and Pablo had already apologized during their recantation each apologized again—in a much sincerer manner—a manner suggesting a deeper understanding not just of acquiescence. David, who had not previously apologized said that he was sorry for breaking Mr. Abraham’s trust by going into his bag. Mr. Abraham promised the boys that he would not infringe on their personal
space or privacy (by going through their backpacks or bags) unless in the interest of student safety. The four then worked out an agreement regarding the use of Pokemon cards. Mr. Abraham admitted that throughout the process it was hard for him to relinquish his conservative values attached to rules. He stated that he was able to understand that in this case being unwilling to work with the boys on a solution where each of them could benefit would prevent him from being able to move forward and gain back the boys’ trust. The four agreed that students would be allowed to bring their Pokemon cards to class but must turn the cards in at the beginning of class. Emilio would be in charge of collecting and encouraging students to turn in their cards. Mr. Abraham would then return the cards to students during recess so that they had a chance to play with the cards (so long as they cleared this decision with Mr. Carter). After recess, and upon returning to class the students would return the cards to Mr. Abraham. This way Mr. Abraham did not have to worry about feeling disrespected or concerned that students were missing instruction or disrupting others from instruction because of the cards. The students would still be able to play with their friends and gain enjoyment from the cards. Mr. Abraham asked the boys what they felt was a fair consequence should someone be caught messing around with cards in class after being given the opportunity to turn them in. David piped up and stated he now felt, in light of this agreement, that it was fair for Mr. Abraham to do what he pleases with the cards including destroying them if students do not turn them in. The energy in the room had transformed from one of tension to one of cooperation. All four signed their respect agreement, and the three boys were dismissed. (See Appendix H: Agreement Form). Mr. Abraham thanked both Liam and
me for our time and admitted that the entire process had gone much differently than he expected. Liam encouraged Mr. Abraham—noting Mr. Abraham’s willingness to listen to the boys and apologize to them when he, in fact, felt victimized. Mr. Abraham repeated that he had not stopped to consider many of the points the boys brought up and that while he had his reservations regarding the boys’ intention to keep the respect agreement, he was hopeful and that was not something he felt before the mediation.

Scholar Laura Rendon (2011) writes about a critical and consequential aspect of the act of showing care—the experience of validation. Rendon, in her work researching the experience of low income first generation college students from different socio-economic, ethnic, and cultural backgrounds at different types of higher learning institutions, found that the experience of receiving validation, particularly from advisors, instructors, and others in positions of authority increased internal feelings of self-worth leading to a greater connection to success and the college institutional experience.

“External validation gives students the internal strength to succeed” (Rendon, 2011).

Validation theory posits that student ability to succeed hinders on each student’s perception of his or her ability to succeed and through intentional and proactive affirmation by agents both in and outside of the classroom. Rendon found this sort of affirming validation was particularly important to the success of students who had experienced higher degrees of powerlessness—and by virtue of their marginalization actual or perceived powerlessness, greater degrees of apathy or disconnection with higher education. When interviewed, first-year students expressed that it was not until someone
connected to the school affirmed their ability to learn and validated their prior life experiences and unique knowledge as valuable that they began to feel they could succeed, and in fact belonged as part of the learning community. Students felt validated when faculty took the time out to “care” for them, listening to them and supporting them through difficult transitions or times without lowering their academic expectations. When faculty took the time to learn student names and about students’ cultures, shared knowledge and experiences with students including meeting with students outside of the classroom, mentoring students, when faculty encouraged supportive relationships between students and family and friends, and when faculty gave students opportunities to witness themselves as successful learners. Validation theory aims for the promotion and creation of inclusive learning environments by creating spaces that are affirming, based in community, and that cultivate leadership—a departure from the impersonal, detached, and objective models in place to preserve perceptions of order, objectivity, and “excellence” in competition and academic rigor. Validation theory instead is based on the following principles:

Acts to view students as whole human beings—attention placed not only on academics, but emotional, social, and the inner-life aspects of human development.

Embraces students’ personal voices and experiences.

Relies on an asset-based (as opposed to deficit-based) model.
Rooted in the experience of low income and non-traditional students (those who most often suffer from marginalization and feelings of powerlessness leading to higher dropout rates.

Engenders opportunities for faculty and staff to work with students to promote equitable outcomes and to eliminate racist and sexist views. (Rendon, 2011).

Validation, at its core, is based on authentic caring and concern and is premised on the ability to be seen, heard, and understood. For marginalized children school often is a place where they feel invisible—where they receive little personal validation in regards to their personhood and perhaps little or no academic validation particularly if they do not behave or perform in a manner expected. I found that student validation at Griffith was often experienced through the act of listening. Students felt validated when teachers listened to their “side of the story,” when teachers listened to student concerns and allowed students to voice their opinions without correction.

Mr. Abraham validated the very real concerns of Emilio, David, and Pablo regarding the communities in which they lived. By listening and repeating back without comment or correction the concerns that Emilio, David, and Pablo shared we learned of their fear of intrusion on their privacy. We learned that it was not uncommon for many students including Emilio to live with large families (Emilio being the oldest of five siblings all living in a one or two bedroom apartment experiencing very little personal space and privacy). I learned of the genuine desire to want to connect with other students in a place they felt safe (at school). Mr. Abraham listened and validated their lived
experience. Mr. Abraham exercised care by not only validating the students and apologizing to them for failing to understand their experience, but by engaging the students in a cooperative process to resolve the conflict by agreeing to change the rules to create a more inclusive—and arguably expansive environment. Mr. Abraham, through the process of mediation, was able to shift from a justice orientation to a caring orientation in using the student’s behavior as an opportunity to authentically connect with each of them—to care about them.

Love and basketball.

I picked up my office phone to an extremely agitated Ms. Brighten. Ms. Brighten, part of the original DTR cohort—white, tall and slender with long thick blonde hair, energetic in her second year teaching and her early twenties. Ms. Brighten taught a split 5/6 grade class and was a favorite amongst many students for her strict but “hip” demeanor, stylish dress, and dedication to involving her students in elaborate projects, organizing field trips, and coaching sports teams. Ms. Brighten had grown up in Scottsdale, an affluent city bordering Phoenix proper but always endeavored to work in an “urban school.” (Observation, March 12, 2017). Ms. Brighten was hailed by the administration as one of the school’s best teachers although it was common discourse amongst teachers to discuss how “good” her class was and how she had been able to “handpick” her students placing most of the high achieving 5th graders amongst her 6th graders. A practice allowed as conciliation for volunteering to teach the challenging 5/6 English language immersion class (an endeavor many teachers found too challenging due
to the nature of the curricula and working with English language learners belonging to two different grade levels.) Ms. Brighten’s normally positive and playful demeanor was nowhere to be found that morning. “I need a mediation right now!” “I just can’t take it anymore.” Ms. Brighten explained that Donatello, a 13-year-old Native American student in the sixth grade had for the past month been “extremely disrespectful towards her” in class, refusing to work, follow instructions, talking back, leaving the classroom without permission, and this morning had been lying on the ground during group work “making inappropriate” noises to disturb the class. Ms. Brighten asked if I was available to mediate between them that instant and she would find someone to cover her class. I agreed, scrambling to prepare my space and my head for I would be jumping into this head on never having before spoken with Donatello. I knew only that he had grown up on the reservation and was currently raised by his aunt and had recently moved into Ms. Brighten’s class due to behavior issues in his previous class (a classroom that was not practicing DTR at the time). I certainly had not known anything about the current situation. Not long after I hung up, Ms. Brighten and Donatello walk in. Donatello, a lanky kid with thick rimmed glasses, dark hair and eyes, and a shy smile sat down quietly at the end of the table. Ms. Brighten, exacerbated, sat next to him. When it was Ms. Brighten’s turn to express how she had felt she looked at Donatello, a very pained expression on her face. She explained that she felt confused and deeply hurt by his actions because she had thought the two of them had a strong relationship. Ms. Brighten explained that she recalls being hard on him during basketball practice and in class during the season, but laughing and joking with him as well. She recalled how she’d wait with
him after practice for his pick up and the two would talk about basketball, school, and the things that interested Don. She explained that during basketball season he greeted her in the morning before class and worked hard during lessons. “After basketball season ended, it seemed that has all changed.” Ms. Brighten relayed his behavior since the end of the season. Ms. Brighten turned to me and advised me that she had sat down twice now with Don and the two had come up with written agreements for better behavior. She stated that Don would follow the agreement that day but the next day would continue to exhibit the same behavior. Ms. Brighten had expressed to me that Don would roll his eyes when she would invite him to make an agreement and say, “So what, you can’t make me do anything.” Don was quiet and looked genuinely upset. Ms. Brighten had also told me that Don was angry all the time, that he said he hated school and did not want to be here. When I prompted Don to explain to Ms. Brighten why he had been acting the way she had described, Don looked down and shrugged. He had listened to Ms. Brighten and repeated everything that he heard, but was finding it hard to express how he was feeling and I got the impression he did not fully understand his feelings. He managed to tell us that he felt mad every day and that the only thing that he had to look forward to was basketball. He told Ms. Brighten she was the best coach he had ever had and that he was angry that basketball season was over. He told Ms. Brighten he guessed he was taking his anger out on her because she reminded him of something he no longer had. When it was time to work together to make things right, Don decided he owed Ms. Brighten an apology. Don also suggested that he and Ms. Brighten try to “be friends again” when I asked him what that meant he described Ms. Brighten as being his friend “because she
would shoot hoops with [him].” (Observation, March 12, 2017) Hearing this, Ms. Brighten suggested that she would take time out of her lunch a couple of times a week to shoot baskets with Don during Don’s lunch recess. The two worked out a way for Don to bring his grades up and Don promised to work on being more respectful in class. The two agreed that if things did not improve Ms. Brighten would call Don’s aunt to come in for a family conference so they could figure out together how to move forward. Don was excused back to class and Ms. Brighten turned to me and sighed. “I hope this works.” Don and Ms. Brighten did play basketball together at lunch at least once per week and Ms. Brighten reported that their relationship improved significantly during class. “I was surprised he suggested we be friends again, while the mediation did not entirely fix his behavior toward other students we did not have any more problems.” (Personal communication, June 4, 2017).

Ms. Brighten validated Don’s feelings, however irrational they may have seemed regarding his frustrations over basketball season ending. Ms. Brighten was able to listen to Don and understand that regardless of how she felt about the origins of Don’s anger Don had expressed a need, Don was explaining to her how he felt in the best way he knew how. I viewed my role in this process as critical, particularly because Ms. Brighten advised that she and Don had made agreements in the past which were not kept. The formality of the option #3, as well as the presence of a third party to support, prompt, and question both Ms. Brighten and Don allowed the two to interact in a more meaningful way then perhaps they had during their teacher-led process where perhaps the teacher/student power dynamic had not been sufficiently leveled. The formal mediation
allowed for an agreement that both validated Don’s feelings but allowed Ms. Brighten to continue to show Don she cared about him regardless of what had transpired between them; that there was hope for repair.

Scholar Angela Valenzuela (1993) in her important work examining the educational experiences of high-school age U.S.-Mexican youth in an effort to understand the effects of what she terms “subtractive schooling” or the process by which schools through policies and practices serve as instruments for the maintenance of colonial relationships with immigrant youth, discovered that Mexican-American students develop an opposition to schooling which is viewed by teachers and other adults within the learning community as an opposition to education—“these kids just don’t care.” What Valenzuela found, however, can be best summed up in her discussion of the Spanish translation of the word education or educación. Educación is explained to be a conceptually broader term than its English language cognate and refers to the family’s role of inculcating in children a sense of moral, social, and personal responsibility and serves as the foundation for all other learning. Though understood as inclusive of formal academic training the term additionally encompasses competence in the social world, wherein one respects the dignity and individuality of others (Valenzuela, 1999, 23). Valenzuela suggests that this “person as opposed to object” orientation “further suggests the futility of academic knowledge and skills when individuals do not understand how to live in the world as caring, responsible, well-mannered, and respectful human beings.” (Valenzuela, 23). Valenzuela accordingly found, during the period of her study, that Latinx students’ sentiments toward school and schooling were strongly related to those
students’ experiences with teachers. *Educación* as Valenzuela states “represents a means to an end”—being “well educated,” and this is accomplished through a process of respectful relations. *Educación* is also understood as a cultural (social) contract specific to the Latinx community, a way to build social capital. When Latinx students are taught by Non-Latinx teachers with a lack of knowledge or understanding of the Spanish language or a “dismissive attitude” toward Mexican culture, when teachers deny their students the opportunity to engage in reciprocal relationships, they simultaneously invalidate the definition of education that many Latinx students embrace and in doing so further dismiss the very cultural identity of these students in the name of “school.” Valenzuela makes an extremely important distinction in that under the current social contract—under the current expectation of all students in U.S. schools, a student must *care* about school, and when a child (or a child’s parents) are seen to *care* about school they are well-rewarded. When a student is seen to be *uncaring* in regards to school, the student is many times written off. These students, often demand “with their voices or their bodies a more humane vision of schooling,” a school where they are taught how to care by receiving care. (Valenzuela, 1999)44.

> It is not my responsibility to approach her about extra work. It is her responsibility to ask me. She needs to take responsibility for her learning, but in my class, she has not shown that initiative. – (Observation, May 8, 2017) 8th grade white English teacher during a follow-up after a circle of support for an 8th grade Latina student.
The literature on caring in education argues that it is the teacher’s role to initiate relation—that it is the teacher whom must first show engrossment in a student’s welfare and aim to establish that connection. Valenzuela, referencing Noddings (1984) framework on caring, speaks about the essentiality of the teacher’s attitudinal pre-disposition for caring as this overtly conveys acceptance and confirmation to the cared for student—soliciting from the student a willingness to reveal his/her essential self thus inviting the creation of a genuine and caring relationship for which educación and education begin.

I sometimes speak to the students in Spanish—I will scold them like my own children, using phrases and words I know their parents or grandparents probably use. I feel like the students trust me—they see me as their Mexican grandmother. I know I am not supposed to do that [speak Spanish], but I do.5th grade Latina teacher.

Angela Valenzuela discusses the importance of a cultural understanding of the concept of educación to better understand how Latinx students feel cared for by their teachers. At Griffith, with a majority of the teaching staff comprised of white teachers from outside of the neighborhood, most from middle to upper middle class backgrounds, the cultural translation of care became paramount. Particularly in a time when tensions were running high (the campaign and election of Donald Trump) exacerbated already existing tensions between the communities to which a majority of teachers belonged and the communities to which a majority of students and classified staff belonged. How then
is care translated between racial and socioeconomic backgrounds in a time of heightened tension? Scholars Lynn Beck and Rebecca Newman (1994) conducted a study at Wilson High school (Title I) located in the Watts neighborhood in Los Angeles with a rapidly changing racial and economic composition particularly with a growing population of Latinx. Wilson High school nevertheless was found to be a school operating, for the most part, from an orientation of care particularly when it came to fostering this sense of care between persons of different races and socioeconomic backgrounds. Beck and Newman discovered that while Wilson was a multiracial/multicultural school and while high levels of tension existed in the surrounding community, racial tensions seemed benign—barely visible in the halls of Wilson. Beck and Newman discovered that this was not because these tensions had not existed—but that these tensions were confronted—that care was born from conflict. Students, teachers, and staff were comfortable in confronting each other regarding difficult issues and were not afraid to engage in dialogue regarding experiences with the impact of race and class on the relational dynamics of the school (Eaker-Rich & Van Galen, 1996). With confrontation came inclusion or the involvement of persons in developing strategies and solutions to address racial and class-based issues. Following two shootings in local schools, the administration at Wilson personally visited every classroom engaging the students in a dialogue regarding the shootings and eliciting student ideas regarding the best ways to keep their school community safe and deter the bringing of weapons to school. The administration headed up by Mary Story, herself a Jamaican immigrant, explained the newly mandated procedures regarding weapons which included requirements that students submit to random weapons checks by law
enforcement officials. Ms. Story asked students to envision how their communities might respond in light of the tensions existing between communities of color and the police after Rodney King⁴⁵ and students were able to express concern regarding the policy including a fear of mistreatment and violation of their freedom. Through the dialogue students were able to understand the position of the District under pressure to ensure student safety and students eventually agreed to submit to random checks so long as they were ensured respect throughout the process. Students were also able to express a desire to find constructive ways to address an issue that greatly impacted them as students without involving the police which was not seen as a just instrument of safety in the community. The on-going dialogue between students and administration resulted in student-led initiatives to place “safety” boxes around the school where any suspicious of weapons or concerns regarding any other safety matter could be anonymously reported, and the situation could be fully investigated by administration without having to involve the police. Students also formed the group “Colors United” which aimed to use music to educate, unite, and inspire students to stand together against violence (Eager-Rich, Val Galen, 1996).

Recognition and inclusion were two ways care were negotiated across racial and socioeconomic barriers, another was in the assumption of agency, ability, and motivation of students and the recognition of each students’ personhood. Beck and Newman describe a situation at Wilson where a student with her aunt who requested a referral for independent study as the student had attendance issues. Wilson’s assistant principal was called over to speak with the family regarding this decision. With a warm, understanding,
and inviting tone the principal patiently explained that the decision was the family’s alone to make but that she would first like to provide the student’s aunt with all the necessary information so she could make an informed decision. She spent time with the aunt, the student, and a dropout prevention counselor as she explained to the aunt that she was not an expert on the subject of independent study and wanted to make sure she received all the help she could get. The assistant principal created a space for the student and the student’s aunt to express their hopes, and the principal validated those hopes by suggesting they work together to find the best possible solution for the student’s academic success. Beck and Newman’s research found that students and teachers alike at Wilson seemed to be keenly aware that the school was inhabited by persons “who like themselves deserved to be treated with dignity and care” (Eager-Rich & Van Galen, 1996) and through this recognition made a point to consider student experiences and opinions accepting as important issues of concern to students even if they did not necessarily find the issues to be of great importance.

Discipline that Restores, at its core, is built on the formation of genuine relationships between all members of the learning community including teachers and students around a collective and cooperative understanding of respect as modeled in the creation of the whole school/staff respect agreement and each teacher’s respect agreement with students. The process of collaboratively working to not only simply name—but unpack and interrogate different understandings and perceptions of what it means to experience giving and receiving respect. By allowing students to express what respect looks and feels like to them and by providing a space for students to challenge
existing rules or expectations DTR, ideally, provides the beginnings of the necessary foundation for reciprocal and caring relationships between all members of the learning community. The dedication to a shared understanding of respect, a departure from arbitrary rules, and authentic engagement in re-creating a more inclusive and expansive social contract provides a solid foundation for which care and validation and educación, in its broadest sense, may begin. The creation of the respect agreement, under the model, leads all further discussions related to student behavior framing behaviors in terms of a violation of the relationship the agreement to respect one another forged at the beginning of the year. DTR understands that relationships, particularly between student and teacher must be nurtured and thus requires teachers to prepare both their students and themselves to work on tending to those relationships throughout the year. DTR and other restorative practices like circling allowed the valuation of creation of space to confront issues, include all affected parties and work cooperatively to resolve issues—valuing student agency and power. At Griffith, the use of community circles to better understand the personal lives, interests, and daily experiences of students were encouraged by administration, though sparsely utilized.46

The exhibition of care through DTR and the use of restorative practices, according to Ron and Roxanne Claassen, can happen in any one classroom, regardless of the culture of the school. I found this assertion naïve. While I found benefit to individual students like David, Violet, and Don, through the act of care and validation the disruptive potential of DTR and restorative justice—the force needed for a true shift in culture, in paradigm, requires fidelity in school leadership. An evaluation of the practices of school
administrators exhibiting care in their practice showed a distinction in willingness to
divest from standard procedures and “continuously evaluate the complex [and] shifting
needs of their school systems to find ways to make things work.” Decisions were always
made with the welfare of school communities in mind where rule-based decision-making
would have diminished the possibility of such caring leadership. (Eaker-Rich & Van
Galen, 1996). When it came to discipline at Griffith, teachers only had so much power to
render decisions, as it is not traditionally within the scope of a teacher’s duty to issue
consequences for anything other than minor “infractions.” The actual and assumed
dependence on administration as the default purveyor of discipline requires that leadership
adopt a care-oriented approach, setting the tone for the culture of the school and
subsequent interactions between all members of the learning and greater community.
Reliance on the administration to solely handle all discipline and behavior matters is a
cultural practice born out of a justice-oriented approach to school structure. DTR and the
practice of restorative justice requires a departure from this mentality and a willingness of
all members of the learning community to engage in care-oriented approaches with
students; approaches that must start with and be modeled by leadership. DTR insists that
those most affected be included in and take ownership over the process—a process
antithetical to removing oneself from the problem in deference to administrative
authority. However, with major discipline issues, particularly those requiring immediate
intervention, it became paramount that leadership is prepared to act in accordance with a
restorative mindset. Mr. Carter and Mrs. Carroll shared with me the challenges they
experienced in staying true to the principles of restorative justice, to act out of a place of
care when faced with tough administrative decisions within a structure that was not designed to support or foster those principles. Whether it was encouraging teachers to take more ownership over discipline or working with parents, the District, or even law enforcement administration was challenged to make decisions that aligned with restorative principles, even when unpopular or misunderstood.

When I issued one day of suspension because she agreed to participate in a restorative conference upon her return, the officers were in disbelief. They asked me ‘that’s it?’ In that moment I began to doubt my decision, I felt a lot of pressure as a principal with police officers questioning my judgment. -Assistant Principal on answering to police officers after suspending a Latina student in the 7th grade for possession of marijuana on campus. (Personal communication, October 17, 2016).

Mr. Carter explained that while he believed in the restorative process and felt he deeply understood the process and underlying philosophy, as an administrator, he experienced pressure to conform to existing societal and institutional rules and expectations. He smiled and relayed an incident that had occurred before I came on board. He explained that while he felt pressure from the police, he had held firm in his decision. He relayed how powerful he felt Michelle’s restorative conference to be, explaining how Michelle shared that her brother had recently moved back to Mexico and she was having a hard time coping. Michelle’s mother had cried, expressing her concern for Michelle and her desire for her to succeed. Mr. Carter explained how Michelle had
apologized to her entire volleyball team for letting them down having been suspended from sports due to the violation, (Mr. Carter elaborated that after the apology he allowed Michelle to participate in the championship game). Michelle also agreed to meet with the school counselor once per week and participate in a service project around the school and help out on student council. Since the restorative circle, Michelle’s attendance and behavior had improved, an outcome Mr. Carter was not sure would have happened without the process, as Michelle’s behavior had become increasingly troublesome over the past couple of weeks. Mr. Carter explained that there were certainly times when confronted with a decision where he buckled under the pressure and issued a consequence that was not care oriented, but authoritative, punitive and along institutional lines.

In essence, “to succeed as a caring leader, one must be willing to break the rules and defy the system, to exercise care is often in and of itself an act of disruption.”(Eager-Rich & Van Galen, 1996).

When Community is Assumed, and Care is a One-Way Street: Tensions and Challenges to Care and Restorative Justice

While restorative justice and particularly DTR with its emphasis on the student-teacher conflict resolution model has the potential to foster the relational care-oriented approach necessary to ideally empower even marginalized students to foster attachments to school through academic, social, and cultural validation I found significant barriers to the sustainability of the fidelity of the endeavor.
She was the best team-member I ever had. She and I really started experimenting with DTR before everyone else, and we’d really communicate about these kids, we’d send each other text-messages late at night, whenever a thought would come into our heads, a conversation, something we’d tried with a student. We’d discuss what we learned about the students and how to help them. That was for about six months, and at the end of those six months, we were exhausted. Susan just couldn’t do it anymore; she said she just cared too much. She needed to move to a school where the kids just didn’t have as many needs.” -A middle school teacher is referring to her team-member who had not signed her contract to come back the following year for the 2016-2017 school year. (Personal communication, March 8, 2017).

Unrequited love.

Mr. Waterford taught a 3/4 combination ELL class. A white man in his late twenties, Mr. Waterford, had been teaching for five years. He, like many of the teachers in cohort one, came on board voluntarily as the DTR philosophy seemed to resonate with him and how he already aimed to relate to his students. I rarely saw students from Mr. Waterford’s class as the students under his instruction were utilizing conflict resolution strategies within their classes. Mr. Waterford would encourage the use of “I-messages” and (option #4) student/teacher meetings between students to resolve problems. Mr. Waterford had a student he would only see for math instruction (as part of the split class). This student, Jaime, an 8-year-old Latino child would continually shut down during math.
He would put his head down on his desk and refuse to participate, follow instructions, or complete assignments. At times Jaime would disrupt other students when he had decided he did not want to work. I had worked with Jaime trying to uncover the underlying reasons behind his apparent refusal to participate in math. Jaime, after what would at times seem like an eternity of coaxing and waiting, coaxing and waiting, was finally, with my help, able to work out an agreement with Mr. Waterford who had tried unsuccessfully on his own. Mr. Waterford reported the agreement went well for about two weeks. Jaime was using sticky notes to get Mr. Waterford’s attention to ask questions (as he admitted he was embarrassed to ask questions in front of the class), Jaime was using a rubber ducky as a comfort object and stress-ball at his desk when he felt frustrated, and Mr. Waterford had been making sure to speak to Jaime in private whenever possible in the back of the classroom. Jaime in turn, for a couple of weeks, had minimized shutdowns and was actively engaged in the class. After a couple of weeks, however, Jaime’s shutdowns returned, and Mr. Waterford stressed that he had sat with Jaime for over 20 minutes, during his prep period, in an attempt to speak with Jaime and Jaime would not respond. I suggested we organize a family conference to work with Jaime’s mom on possible solutions to Jaime’s shut-downs.

During the conference, another collaborative agreement was reached, with both Jaime and his mother’s input (though his mom—a single immigrant Latina mother) admitted that Jaime would act similarly at home and she was unable to find any solutions. The agreement reached mirrored much of the same agreement Jaime had created with Mr. Waterford with extra doses of both encouragement and stern expectation from Jaime’s
mother. Jaime’s behavior again improved after the family conference for another couple of weeks. Each time I felt frustrated with what I felt was a lack of resources to uncover what was going on with Jaime. Since his behavior was not abusive or clearly in violation of the school code of conduct I often felt unsure of how to assist, how to proceed to make things right—other than to show Jaime we cared by attempting to listen to him for any clues regarding what might be wrong.

Mr. Waterford called my office phone about two weeks after the family conference. “I’m sorry, but I’m just tired.” “I have put in so much effort with Jaime, and I feel I have bent over backward on numerous occasions, taken time away from other students, been patient and understanding, but there has just got to be a line. I feel like I have put in so much and I’m getting nothing back. I’m feeling just really disrespected at this point, and I think it is time for a real consequence.” (Personal communication, May 9, 2017). Mr. Waterford had reached his limit with Jaime that day. He said Jaime had again refused to work during math, was talking during instruction, distracting other students, and had shut down and refused to talk about it even after utilizing all of the agreed-upon strategies on the agreement. He had referenced the agreement with Jaime including expressing to Jaime how Jaime’s behavior was affecting him. “He just doesn’t care,” said an exasperated Mr. Waterford. I sighed heavily. I knew Mr. Waterford was leaning on me for answers and I just did not have them. I could feel myself agreeing with Mr. Waterford that even though Jaime’s behavior was not severe it was causing a continual conflict between Jaime and Mr. Waterford and I could understand why Mr. Waterford felt Jaime needed a “real consequence” though questioned why I felt that way.
when I knew a “real consequence” would do nothing to solve the issue. I advised Mr. Waterford that I would set up a meeting between Jaime, his mother, Mr. Waterford and Mr. Carter (the assistant principal) as the administrative family conference was the next step, according to the model. Mr. Waterford agreed but advised me that he had called Mr. Carter to remove Jaime from the room because he—Mr. Waterford—was too frustrated to have him remain in class. Jaime’s mother ended up failing to show up for the family conference with administration as she had a conflict with work. My sense was that Jaime’s mother was exhausted and continuing to meet regarding Jaime’s behavior was furthering that exhaustion. Mr. Carter had discussed with the school psychologist the idea of possibly testing Jaime for special education as we felt we were out of options to assist Jaime, particularly because Jaime struggled to verbalize his needs. The school year was close to an end, however, and while Jaime’s behavior did not improve, he began to fall through the cracks.

The literature on care and validation is clear that the initiation of care and the source of validation should come from the teacher, the staff member, the person in authority, but what happens when that person does not receive care and validation in return? Mr. Waterford’s frustration stemmed from his perception that Jaime “did not care” about their agreement and that while he understood Jaime would inevitably have bad days, Mr. Waterford ultimately felt disrespected and exhausted because he felt his effort was unrequited. Mr. Waterford admitted he ultimately had to pull back from the situation, care less, because he had opened himself up, really invested and got nothing in return. Mr. Waterford felt that it was time for Jaime to receive a “real consequence”
because such a consequence would validate his feelings of frustration. While Mr. Waterford and I both knew a disciplinary consequence, which removed Jaime from the classroom, would not solve the problem, it would at that moment make him feel better almost as if someone was saying without saying, “you are right.” Without a consequence of this nature, Mr. Waterford was not able to feel validated in all his effort, not by the success of the student, and not by the punishment of the student; he was in essence left empty-handed.

I was also not immune from the experience of frustration, exhaustion, and lack of validation in some of the relationships I was trying to build with the students as well as in my role with the students and with teachers. I often noted how deeply I would be affected by a student’s behavior or when a student did not seem to value me or respect me in the way I had endeavored with them. Validation for me came most often from administration who made it a point to validate my efforts, small successes, and the difficulty of my position, particularly because it was brand new and new territory for the program. I received validation on occasion from teachers, and from students by virtue of their successes, but pained by their perceived failures. While the success was evident in “aha” moments or tear-jerking revelations brought out in mediations, in incremental progress toward achieving a goal, in a smile or a conversation with a previously closed off student, or simply being able to make it through the day with a troublesome student—the failures felt much more monumental. Mr. Carter, Mrs. Carroll and I would mourn together and connect over the mutual disappointment and at times even outrage over what would feel
like a betrayal—a breaking of trust when students failed to live up to the expectations we had developed with them.

Love and little caesars.

Jason, a tall, lanky fifteen-year-old Latino student with long light brown hair in the 8th-grade (Jason had been held back previously and so was older than his peers), was suspended for ditching class to go across the street to the park and smoke marijuana. Jason returned to campus with the marijuana in his pocket and when searched by administration admitted to leaving campus to smoke. When asked what he had thought he had replied “What? I was only gone 30- minutes!” Nevertheless, Mr. Carter spoke with Jason’s grandmother and mother (his grandmother had assumed primary responsibility for raising him) who agreed to participate in a restorative conference with Jason. After Jason’s first restorative conference and the development of a support plan, Jason seemed to be back on track (not having had serious behavior issues in the past). About a month later, during a follow-up meeting Jason seemed agitated when we asked Jason what was going on he replied, “nothing” and smiled. His mother who had attended said Jason’s behavior had improved at home and to her knowledge, he was no longer smoking marijuana. I had an uneasy feeling when Jason left my office that day and when he showed up at my door, but I dismissed him because I was with another student, I felt something may not have been right. I spent that lunch recess playing basketball with Jason and a number of the 8th-grade students. At the whistle, I walked ahead anxious to get back to my office and back to work. About thirty minutes later Mr. Carter phoned me
to explain that Jason had assaulted a 12-year-old female student by grabbing her backpack and aggressively throwing her to the ground. He told me it happened in the hallway just after recess and was on video. “It is extremely disturbing and made me sick to watch,” Mr. Carter lamented. (Personal communication, March 7, 2017). He discussed with me that Jason would be sent to an alternative behavioral education program called ACES (much like blueprint but for students with special education needs) and we would take time to develop a restorative approach for his return. Jason attended ACES for ten days, and upon his return, we held another restorative conference. This time with Jason, the student he had assaulted, myself, and administration. Jason made amends to the student and others that he hurt because of his actions, as well as worked out an agreement with the student who had apparently been calling him names and pulling his hair all day before the incident. We stressed to Jason the importance of asking for help when needed. Seeing his face in the window of my door an hour or so before the incident, I apologized to Jason for not speaking with him that day—thinking I could have helped had I known of his mounting frustration. Jason just shrugged and told me “it was no big deal” he had just been stopping by to say “hi.” We encouraged Jason, and I continued checking in with him. Jason had even made a habit of stopping by my office to chat and tell me about his day, and I continued playing basketball with him. Jason seemed to again be back on track. About three weeks later, nearing the final month of school, Jason left campus during class while reportedly using the bathroom, and jumped the back fence to visit a local pizza establishment with two other 8th-grade male students. A parent saw the students and called the school to report them. One student, who had not had any major
behavioral issues was effectively removed from the school permanently (the student was attending almost as a courtesy being out of district). Another student was suspended for three days, and Jason was sent back to ACES for the remainder of the year, all decisions Mr. Carter and Mrs. Carroll made unilaterally and recognized as retributive. After a careful debriefing, each questioned the decisions (particularly in regards to the student who was “expelled” from the school). This decision had not provided that student the same opportunities as Jason and others to make things right, a situation that was not lost on both teachers and students and something that teachers and students alike festered over for the rest of the year amongst themselves and in the absence of any formal address of the matter and decision. A couple of days after Jason went to ACES I ran into Jason waiting for the bus. He smiled and waved. I walked up to him, looked him in the eye and asked, “Jason, what made you make that choice?” “After everything we have done?” Jason smiled and replied, “What, I was hungry!!? He appeared un-phased by it all.

There were moments, particularly towards the end of the year where Mr. Carter, Mrs. Carroll, and myself, as well as teachers such as Mrs. Backinger, felt like we had reached our capacity to care, particularly when our efforts seemed rebuffed. Suddenly, the knowledge that Jason’s father was in prison, that his mother was in and out of rehab, that his grandmother worked hard to take care of both he and his mother; knowledge that Jason dreamed of being a basketball star, but struggled in math, the fact that he would walk Ms. Brighten to her car after evening basketball games to make sure she was safe, all disappeared. What was left was a wound created by a damaged relationship and unmet expectations for Jason’s success. (Observation April 27, 2017)
During discussions with teachers regarding the difficulty of building relationships with students, I learned that teachers effectively teach themselves how to separate from their students. Many even recall forewarnings in their own educational experience against “getting too close” to students to be able to separate a student’s behavior from the student and in an effort not to take things personally. DTR requires, however, a certain level of vulnerability—a rather large amount of vulnerability on the part of the teacher and like Ms. Brighten discovered, the willingness to be friends with students. I found a display of authenticity and vulnerability from the teacher was critical to working to level the power dynamic existing between teacher and student to foster cooperation and ultimately a relationship—an idea often preached without consideration of the enormity of the demand. When teachers open to students when teachers willingly relinquish some of their power when teachers place care above order, who then will care for them? During my interviews, I learned that a great deal of teacher dissatisfaction and frustration not only with DTR and restorative justice but with their position, in general, was a feeling that they were not supported, that they were not cared for by administration, other teachers, or students. Care is the basis for the creation of the kind of community needed for a successful implementation of DTR. While care may be expected to be initiated by teachers, they must, in turn, receive care and validation back. Teachers function as the soil for which restorative practices grow—a rich and fertile soil will produce vibrant and healthy flowers, without strong foundation children will benefit only marginally, and even temporarily; without it, resentment festers, and any sense of community dissolves.
“She just may not have what it takes.” -Assistant Principal about a teacher struggling with classroom management and DTR. (Personal communication, February 6, 2017).

Care was often interpreted by teachers as reliable and swift assistance with student discipline issues. The administration acknowledged that it was paramount to the successful implementation of DTR that teachers start to take ownership over student discipline and not rely solely on the administration to “swoop in and save them.” (Personal communication, March 9, 2017). Administration emphasized to teachers that they needed to show that they had attempted to resolve the conflict with the student or assist students in resolving conflicts before referring them to administration (in the absence of a serious violation of the school code), and some teachers reported feeling shamed for reaching out for help and reported during interviews oftentimes feeling dismissed for voicing concerns regarding their DTR practice.

The tension in the room was so thick you could almost cut it with a knife. The Claassens had come for a follow-up visit just in time to chat with the newly trained cohort\(^48\) and to discuss with cohort one some of the areas of success they had experienced as well as areas of challenge. I sat around the table with the Claassens on my right and Mr. Carter and Mrs. Carroll to my left. Ms. Martinelli had just finished describing how she had been struggling with a student’s behavior. She lamented that she had tried making agreements with the student, a round-faced white female 8-year-old with a huge grin and thick cat-eyed glasses, Mildred. She described Mildred’s behaviors as aggressive toward other students as well as repeated issues of defiance and disrespect in the
classroom. Ms. Martinelli (originally part of cohort one but whom had gone back to using the old behavior system after citing too many challenging behaviors in her class) had produced behavior reflections and makeshift agreements (agreements were not made following the DTR process or using DTR materials), and placed them in front of her on the table. Exacerbated she said, “I am sorry, but this child just does not care.” “What do you do when they do not care?” Ron Claessen cleared his throat and authoritatively stated: “Well if you follow the flowchart if you follow the steps with fidelity you should see success.” He then launched into an explanation regarding the importance of getting children to understand the inherent consequences in their behavior, particularly in regards to the harm they are bringing upon themselves in the form of lost learning time. Ms. Martinelli growing more agitated repeated, “But what if they do not care about their learning time?” “How do you make them care?” Mr. Claassen, who seemed to be growing frustrated with Ms. Martinelli’s frustration finally stated, “Well you go through the flowchart, and eventually you will end up at the school authority structure if nothing else works.” He emphasized, however, what was later interpreted by the teachers in attendance, and later became the unifying idea behind which teachers seemed to rally in mutual feelings of being unsupported by the administration, to mean: “You just aren’t doing it right.”

A disgruntled firecracker of a 6th-grade teacher (and a member of cohort two), Mrs. Brownson, a white woman in her early thirties, piped up during a question and answer session with the Claassens. “Honestly, in the real world there are consequences, like it or not this is how it is. The criminal justice system works
how it works, and this is how the kids are used to thinking, without a real consequence, why should they change their behavior?”

Race, Class, and the Politics of Care

While issues of race and class were not something I found most teachers talked openly about either amongst themselves or with students, issues of race and class permeated the everyday thoughts and behaviors of students, teachers, staff and administration and issues related particularly to race/class became focal points of contention amongst students. I found the practice of DTR and restorative justice worked to begin, as illustrated in the experience of Wilson school mentioned earlier, to confront the very real issues of race and class in multicultural settings. Issues that otherwise act as barriers to the creation and maintenance of a community built on mutual trust and respect—a community necessary for the most effective and disruptive aspects of DTR and other restorative practices to flourish. Recognizing and confronting issues relating to race/class can work to build trust and level, to as great an extent as possible, the power imbalance between members of the community, particularly where gross imbalances exist. A community built on mutual respect, care, and authenticity should embrace opportunities to recognize and confront tough racial and socioeconomic issues that greatly impact students and their communities.’ The practice of restorative justice need be informed by this realization. At Griffith, I experienced instances where as a result of DTR, teachers and students were able to recognize and confront—and ultimately better understand how race/class shape experience and thus dictate behavior.
“I hate all black people.”

Mariah, Shantelle, and Audree sat across from each other at the boardroom table in the office conference room. Mariah and Shantelle, were both boisterous, opinionated, African-American female students in the 7th grade whom I had gotten to know quite well as seemingly continually being engulfed in one drama or another and being revered by teachers and peers alike as instigators and having a “bad attitude,” particularly Mariah. Mariah sneered behind her thick-rimmed glasses, pushing one of her long colorful braids out of her face as she looked over at Audree. Shantelle, shorter and more stoutly than Mariah, combed her hair back into a large afro which held its shape with colorful clips, was giggling trying to catch Mariah’s attention. Across the table sat Audree, a tall, athletic Latina student in the 6th grade with cold demeanor, her hand in a medical wrap. I had attempted to lead a mediation between the three two days prior, a mediation that ended with Audree leaving my office and hitting her hand against the brick wall outside. The three girls had become so worked up over an incident that happened late the previous week in which Mariah and Shantelle swear that they had heard Audree say to another younger student, “That’s why I hate black people,” as Mariah and Shantelle walked passed her to retrieve a backpack from the lunch room. Mariah, never known to retreat from an offensive comment, or what she perceived as a personal attack, had whipped around and confronted Audrey about what she had said. Audrey, affronted by Mariah’s aggression retorted that she had not said anything and that Mariah needed to mind her business. Shantelle, quick to jump to Mariah’s defense then yelled, “Well that’s why I hate Mexicans.” The three girls had continued yelling and cursing at each other,
exchanging racially explicit slurs until the P.E. teacher broke them up as he happened to be walking by from the gym. I recalled that day clearly because Mariah had burst into my office exclaiming that she and Shantelle needed to have a mediation with Audree before she “took her jacket off and got ready to knock her out.” (Observation, February 3, 2017). I acknowledged her decision to come to the thinkery and request to solve the problem cooperatively instead of choosing to fight her. Mariah laughed “I ain’t afraid to fight her if she runs her mouth again, I’m throw down. That’s what we do; I’m just like my momma that way.” (Observation, January 30, 2017). Audrey sat confidently across from the two girls, rolling her eyes at each girl’s dramatic presentation. Mr. Carter expressed to the girls that it was imperative they follow the ground rules and engage respectfully with one another, exerting more power as the principal then I possessed in my more neutral role, in an attempt to convey the now, in light of Audree’s injury, the seriousness of the situation. Mr. Carter and I met to discuss how we wanted to approach the situation and agreed that it might be best to have the students focus only on how they felt regarding their perceptions of the altercation. During the previous mediation with the students, tensions began to rise when the three could not agree on the facts (who said what and what was said) of the incident. Mr. Carter and I discussed the experience of many of the black students whom often complained of feeling targeted by teachers, students, and staff members, or treated differently. We felt this mediation presented an opportunity for all of us to come to a better understanding of how students, particularly African American students experienced race at Griffith.
Mariah was asked to speak first and was directed by both Mr. Carter and myself to explain to Audree how she felt when she heard (whether she heard correctly or not) a comment regarding someone “hating black people.” To our surprise, Mariah’s stubbornness seemed to melt away, and she explained that when she heard that comment, she felt angry but also hurt. She explained that she was tired of always feeling targeted, of hearing Latinx kids using the “n-word,” and of feeling like she was not permitted to hang around with whom she pleased.” I prompted her to speak more about this feeling of being constrained. Mariah explained that she did not feel welcomed by many of the Latinx students and became frustrated by many of the comments she would hear particularly with non-black students using words like “nigga” or other terms or phrases specific to the African-American community and “believing they had the right to do so.” She went on to explain, however, that at times she felt pressured from the other African-American girls not to hang out with students from a different racial group, even if she wanted.

Shantelle, echoed much of Mariah had expressed. I asked Audree how she felt when she heard statements like “I hate Mexicans.” Audree shrugged and replied that it “had not bothered her,” and she just ignored it. I took this moment to highlight some of what I believed to be an important distinction in the different feelings experienced by the girls. We spoke about Audree’s experience as a member of the majority student population and how Mariah and Shantelle expressed—in essence—a feeling of powerlessness in an environment where they felt they were constantly scrutinized. Audree explained that she did not hate black people, and in fact, had an African American uncle. Audree explained that she did not recall commenting and had been standing with some younger children
and perhaps one of them made the comment. Audree explained that she immediately became defensive when Mariah confronted her and felt that Mariah constantly “had an attitude with everyone.” The girls ended up apologizing to one another, and while Mr. Carter and I hoped the girls might work together to come up with some greater solutions to the racial issues plaguing the school, they agreed that it would be best when confronted with racial slurs “to ignore the situation.” Mr. Carter, confessed to the girls prior to the start of the mediation that he, being a white male, could not fully appreciate what they experienced every day, and encouraged the girls to dig deeper so that he could have a better understanding of what teachers and administrators might do to help confront some of the racial issues. However, as a group, we were unable to agree on the best way forward in addressing such a complex issue. Two weeks later, when I followed up with Mariah, Shantelle, and Audree, to my surprise, the three expressed that they had started talking to each other more and had even started to become friends.

While the mediation itself did not, at the time, seem to have rendered any incredible conclusion to the immediate conflict or the larger issue of racial experience, in retrospect the mediation allowed the space for an open and honest conversation about the experience of race at Griffith as well as validation of “hurt feelings.” Mr. Carter was able to admit to the girls that he, as a white man, was unable to understand their experience and thus wanted them to know he was not passing judgment on their reactions. Audree was able to understand why Mariah and Shantelle became so upset at hearing (or thinking they heard) a comment about hating black people when she had not been upset by a similar comment about Mexicans and through that understanding able to begin to forge a
friendship with the both Mariah and Shantelle. The mediation allowed us (all of those in the room) to confront an issue that permeates the lives of students and all members of the school community every day, particularly the minority African-American students and community members. Through a commitment to conversation and cooperation we validated and made visible the experience of an extremely marginalized population—a population whose concerns many times are trivialized as being “too concerned with race” or “using the race card.”

“Black girl attitude.”

One persistent complaint, particularly from teachers, was what they perceived as receiving constant disrespect in the form of an “attitude” from African American students—almost exclusively from female students. The idea of “black girl attitude” became a focal point in understanding the way race and culture was interpreted and the impact of these interpretations on community.

She has such a bad attitude. I am really worried for her. She is not going to be able to go anywhere in life with that attitude.” -White 5th/6th grade teacher on the attitude of one of her female African American students.

Ms. Brighten burst into my office, furious. “Do you know Annie?” she huffed. I replied that I had not yet met her. It was the beginning of third quarter, and Griffith had seemed to recently receive an influx of new students causing in certain cases more disruptions in and class and between students. Annie was one such student. At about 5’7’ she towered over her 5th grade peers, lanky and a bit awkward with bright eyes and short
hair which she often wore in two thick braids. Ms. Brighten explained yesterday she had reprimanded a group of students for “messing around in line” she had asked each of the students to call h/her parent when they got back into the classroom and explain their behavior. Ms. Brighten explained that Annie had “given her an attitude” when she asked Annie to call her mom, but finally called. What happened next, according to Ms. Brighten, was something she had not ever experienced in the three years she had been teaching. Ms. Brighten explained that Annie hung up the phone and in front of the entire class announced to Ms. Brighten, “my mom says you need to call her yourself, she does not want to hear from me and that you need to do your job!” Ms. Brighten explained that she had no idea what to do, the class was silent, and Annie took her seat, smiling. Ms. Brighten said she had called Annie up to her desk a little while later and tried to explain to Annie that her attitude was unacceptable to which, she replied, Annie, did not take well. Ms. Brighten asked if I would hold a mediation between the two as Ms. Brighten expressed she felt uncomfortable having Annie in class. I called Annie in to speak with her separately about the incident. Annie spoke softly and stared at the floor. I asked her, from her perspective, what had happened? She had tears in her eyes while she lamented that Ms. Brighten had accused her of having an attitude. She expressed that this seemed to happen to her at every school she attended. She expressed that she felt frustrated because she did not feel she was “having an attitude, which it was just the way she spoke.” She said that she could, at times, have a temper, and admittedly now often became defensive when confronted about her attitude. She expressed that she communicated a certain way at home and felt confused as to why she often seemed to be
reprimanded at school. She went on to talk about how when Ms. Brighten had asked her
to call her mom she did what was asked. Her mom had asked her to relay a message, and
that is what she had done, she did not understand why Ms. Brighten was so upset at
Annie. I thanked Annie for sharing her feelings with me asked her if she would feel
comfortable sharing these concerns with Ms. Brighten so that she may better understand
Annie’s experience. Annie nodded.

I scheduled the mediation for later that afternoon. Ms. Brighten appeared
flustered, and Annie sat with her eyes glued to the ground. After going over the ground
rules and spending an ample amount of time making sure both Annie and Ms. Brighten
understood that my role was to help each of them better understand each other, we began.
I asked Annie if she would like to speak first. She shook her head. I was aware that Annie
felt as though she was constantly being questioned, or judged, and that she often felt
confused and frustrated. I was able to understand Ms. Brighten’s perspective and the
embarrassment Ms. Brighten must have felt at being called out in front of her class—
openly challenged by a parent through her student—and I hoped to find a way for Ms.
Brighten to understand the context of Annie’s behavior, to help her understand how race
and culture were likely shaping the way they perceived each other. Ms. Brighten asked
Annie to look up so that she could see Ms. Brighten, and Annie cautiously lifted her eyes.
Ms. Brighten’s face softened as she explained to Annie that she could not sleep last night.
She explained that she was so upset over the state of her relationship with Annie and
what had transpired and that she wanted to have a good relationship with Annie. I asked
Ms. Brighten to explain to Annie what had upset her about the interaction over the phone
call. Ms. Brighten explained to Annie that she felt extremely embarrassed having been called out in front of the class. She explained that she felt Annie’s actions acted to “undermine the authority” she had in the class and without that authority, she would not effectively be able to teach the class. Ms. Brighten went on to explain that she loved being a teacher and felt she was very good at what she did. She felt hurt and angry when Annie’s mom insinuated that she should “do her job” because she aims to do her job well every day. Ms. Brighten finished by explaining to Annie that she felt sad because she felt she was not able to build a relationship with Annie the way she had with other students, and this was in part because of the attitude that Annie displayed. Ms. Brighten expressed she often felt confused by Annie’s attitude. When it was Annie’s turn, I was worried that she would shut down. She had a pained look and tears in her eyes, but when I asked her if she could start by explaining how she felt in her interactions with Ms. Brighten, she explained that she felt confused. She explained how she felt targeted and was not sure why. She explained that she was always told she had an attitude but that many times she was only responding in the way that she was accustomed. She explained that she spoke the same way at home and was not told she was “having an attitude”. Annie apologized to Ms. Brighten for calling her out in front of the class and making her feel embarrassed, and Ms. Brighten apologized to Annie for failing to understand how she felt and for singling her out in regards to her attitude. Annie agreed to try to be more aware of how she may be coming off to others—Ms. Brighten agreed to remind Annie, respectfully, if she felt Annie was giving her attitude so that Annie might better be able to understand when the miscommunication happened. Ms. Brighten then said something that surprised
me; she suggested that she work on “trying not to be so sensitive.” Annie’s face lit up, and I imagined that she had not expected Ms. Brighten to take that sort of responsibility for her feelings toward Annie’s “attitude.” Ms. Brighten smiled and told Annie that she hoped the two could start over and finish out the year together on better terms. She expressed to Annie that she felt Annie was very bright and an extremely capable student and did not want people to get the wrong impression of her. Annie’s demeanor had changed as well, she sat up straight and was looking directly at Ms. Brighten. (Appendix I: Agreement Form).

How a child behaves in school, the way a child speaks, the way a child responds to authority, all of a child’s interactions with both adult authority figures and other students is governed by the social contract. The idea that to be taken seriously as a student a child must display a certain “attitude,” an attitude that is disproportionately biased toward African American students, particularly females, is an expectation that exemplifies the devaluation of culture and erasure of identity. Feeling like they were unable to “be themselves” was a common concern often voiced by African American female students. In thinking back to the idea of “ghetto schools” where children dress, act, and speak a certain way, “segregated urban schools” of color and the goal of school integration, it is not hard to understand why students such as Mariah and Annie are perceived as having an attitude. In some instances, Annie truly did not understand why she was being perceived this way, and in others, Mariah admitted to having a bad attitude, and understandably so considering, as an African American female, her extremely marginalized position—not only at school but in greater society. Mariah acted
as though she was always on the defensive, and in a way, she was. Mariah and Annie, and other African American female students, often spoke to me about behaving like their mothers. The desire to appear tough, not to back down from a fight, and to stand up for oneself seemed to be shared values amongst the black student population, behavior that I came to see as survivalist in nature, the historical survival of an identity. In a school where great disparities exist between all members of the learning community, economically, racially, and so forth DTR and restorative justice allows for the confrontation of those issues. While it does not provide sweeping resolutions, it provides a space for members of different racial and economic groups to better understand the experience of the other and thus better contextualize the other’s behavior and diverse, intersectional, experience. Audree was able to understand better the loneliness experienced by Shantelle and Mariah as a result of being a racial minority at Griffith. Ms. Brighten was able to confront her possible prejudice or bias toward Annie and a realization that she may have been taking Annie’s actions too personal without a full understanding of Annie’s experience. Allowing students to express their experience with race and culture, by challenging common perceptions and misconceptions about the race and culture the students identify and working cooperatively to strive for solutions enables students to experience an important form of validation; one that not only validates their abilities but their frustrations and lived experience in the world.

Ms. Weeks, you are the only teacher I can trust…..because you’re black. -7th grade African American female student is speaking to me in the thinkery.

(Personal communication, March 6, 2017)
The DTR mediation process proved a valuable tool in recognition of race and issues relating to race and culture. DTR showed the potential to build trust between parties where trust did not previously exist. A valuable potential because a certain level of trust is required for participants to agree to take part of the process and participate with the fidelity needed for transformative change. I began to wonder if the person in my position happened to be white? Would the black students have felt they could trust me as easily? I began to understand just how crucial it became to create diversity in staffing, particularly, in positions such as mine that required the ability to engender cooperation and work to build trust. Someone that students felt they could more readily relate, someone whom they perceived to be less removed from their own culture and experience became paramount. The idea of trust—broken or restored—has to exist in some capacity before engagement in DTR or other restorative practices. This idea became intricately bound in race/class and integral to the creation and sustainability of community; which I found much too easily assumed under the DTR model, perhaps in relation to the positionality and relative privilege enjoyed by the Claassens.

While attending the 6th annual national conference on community and restorative justice (NACJR) a keynote spoke about his experience with his father at school during his elementary schooling. The speaker, a Mexican native, passionately told the story of how he always saw his father as larger than life. He said his father had the kind of personality that filled a room, jovial, flamboyant, booming. He said his father’s laugh was contagious. When the family moved to the United States from Mexico, his father would return home from work in his construction clothes, tired but still with the same
assuming personality. It was not until the speaker told of going out with his father, of being with his father as his father navigated his way around their new country and home. He saw how his father spoke to other people (white people) and how his larger than life father suddenly seemed small. The speaker could not figure out why his father did not seem himself, where that larger than life personality went, only that he felt sad seeing his father in this new light. He did not like seeing his father small. He began to explain that he had been so excited for parent-teacher conferences, wanting to show his dad all the work he had been doing. The students had been talking about parent-teacher conferences all week, and he could not wait. He told us of how when he went home to tell his dad—his dad’s face dropped, and he looked tired. He told his son that he was just getting off work at the scheduled time and that he would need to rest when he got home, that the scheduled time for parent-teacher conferences was not a good time. The speaker told his father he had to go, that all the other parents were going, and that it meant a lot to him. Finally, his dad agreed. The following week the speaker rushed home from school to meet his dad for the conference. When he arrived home, he found his dad just getting off work, wearing his dirty construction uniform. It was then that he pictured the other parents he had seen around the school in suits and ties, they did not look like his dad. Suddenly, he felt a deep sense of shame at his father’s appearance, and when he thought of the small man his father became when speaking to people outside of their family and neighborhood, he did not want to see his father become that man at school. Suddenly, the speaker did not want to go to parent teacher conferences. The speaker recalled his father rummaging around his room looking for his one pressed shirt, cursing at being unable to
find it. “Papa? I’m sorry, I got the day wrong we do not have the conference today after all.” The speaker confided that he never did ask his father to another parent conference and his father never asked.

It was not uncommon for parents to fail to show up for scheduled family conferences or respond to phone calls, emails, or text messages regarding their student in what was deemed by teachers and administrators at school, in a timely or efficient manner—if at all. To implement the DTR model with fidelity required, ideally, parent by-in but participation at the very least, with family involvement crucial to much of the process particularly when a conflict was not resolved or an agreement was broken. There were times when failure of a parent or guardian to make a scheduled meeting halted the process leaving matters unresolved and back in the teacher’s court, the teacher than having to continue to try to resolve the conflict with the student. Essentially, pushing through an already strained relationship in an effort to revive a tattered agreement, choosing to ignore the indiscretion which would ultimately prove to foster resentment and further damage a relationship, or defer to the school authority structure. Without parental involvement, unfortunately, some agreements would break down, and it was in these circumstances that teachers voiced a belief that students had little accountability or there were no “consequences,” particularly when administration did not step in and issue a consequence or assist in reaching out to parents. Teachers would become frustrated, and I heard many teachers—and even caught myself thinking (and saying) at times—“these parents do not care.” I could not have fathomed my mother dismissing a school phone call or meeting with a teacher or school administrator; my white, albeit single mother,
coming from a relatively stable economic situation. Of course, the reality for many parents living in poverty was that taking time off of work or rushing into school after a shift was simply not always feasible as parents often lacked transportation and did not have reliable access to a phone or internet at all times. In thinking back to the keynote speaker’s story, still, I had to wonder if some parents just did not trust teachers, administrators, or other people associated with the school enough to prioritize requests for meetings particularly when the student’s behavior or the teacher’s complaint regarding the student’s behavior did not comport with what they may have taken issue with at home. Parent perception of teachers and vice versa played an important role in the at times very difficult task of extending the idea of community to encompass the neighborhoods the school served. For DTR and restorative justice to be a truly disruptive force, to truly circumvent formal discipline systems, parents and the larger community must work together with the school in the spirit of cooperation and trust. The resounding question became how to build trust with a community that historically may have experienced trauma at the hands of educational institutions, with these institutions filled with faces in power that serve as a reminder of forces that served to marginalize and oppress their communities? How can parents trust a process when they do not trust the institution?

My mom blocked Ms. Brighten’s number. She told me she’s tired of her complaining every day. -5th-grade African-American female student on her teacher’s phone calls home. (Personal communication April 20, 2017)
“Not today.”

Quarter four and the end of the school year was fast approaching and Mrs. Backinger as well as Mariah’s other teachers; myself included, had grown more and more frustrated with Mariah’s behavior. Mariah had sat down with Mrs. Backinger in mediation regarding Mariah’s constant classroom disruptions and “bad attitude” toward teachers and students about a month prior and had, for the most part, raving about Mariah’s change in demeanor. However, for the past week Mrs. Backinger, teachers, and other students had made complaints about Mariah’s behavior taking a sharp downward turn. Mrs. Backinger had requested I conduct another follow-up meeting with Mariah so that the two may go over their agreement and make necessary changes, as well as hold her accountable for broken agreements. I scheduled the follow-up and advised Mariah she would need to come in during her special area time to meet with Mrs. Backinger. Mariah advised me to advise Mrs. Backinger she “did not feel like it today” and would rather meet tomorrow. I advised Mariah that she needed to be willing to work with Mrs. Backinger’s schedule and show an effort to resolve the matter. Mariah became defensive and told me that she did not feel there was a problem and Mrs. Backinger “was lying.” I expressed to Mariah that if she indeed felt this way we needed to figure out where the break-down in communication was happening and work on strengthening our agreement. Mariah said she understood but wanted to meet tomorrow instead. I relayed the information to Mrs. Backinger who exasperated, agreed though expressed that she did not believe the meeting would be productive if Mariah displayed a similar attitude regarding
meeting that day. The following day Mrs. Backinger sat in the thinkery across from me at our mediation table, arms crossed, waiting for Mariah. I got up to call Mariah’s special area teacher to ask her to send Mariah to my office, as she had not seemed to remember to make the appointment. A couple of minutes later Mariah came bursting into the thinkery. “Why is she here?!” Mariah exclaimed at seeing Mrs. Backinger sitting at the table. I explained to Mariah that this was the scheduled time for our follow-up as agreed upon yesterday. Mariah reluctantly sat down. After going over the former agreement with both Mariah and Mrs. Backinger, I asked Mrs. Backinger to express what parts of the agreement she felt were not being kept. Mrs. Backinger began explaining an incident in which Mariah had become very angry in class and began cussing at another student during instruction, and when Mrs. Backinger asked Mariah to refrain from using the language, Mariah left the classroom without permission. I asked Mariah to summarize what she had heard Mrs. Backinger say, and Mariah became upset. Mariah stated that she would not summarize what Mrs. Backinger said because it was a lie. Mariah then got up out of her chair and left the room. Mrs. Backinger and I exchanged puzzled looks. I understood Mariah’s position and sensitivity to “always being called out” and I understood where her defensive attitude came from. However, I along with Mrs. Backinger, felt that Mariah had acted disrespectfully toward Mrs. Backinger and did not show a genuine interest in resolving the matter. We both looked at each other and the DTR flowchart hanging on my wall. “Well, I guess it’s time for a family conference.” Mrs. Backinger requested that I call Mariah’s mom to schedule the conference. When I contacted Mariah’s mom, I explained that we would like to meet with her to discuss some
issues that Mariah had been having in math class and with her math teacher. I explained that we wanted to work with her to come up with some solutions. Mariah’s mom sighed, “Well what exactly IS the problem?” I explained that Mrs. Backinger felt that Mariah had been acting in a very disrespectful manner toward Mrs. Backinger and other students, including walking out on a meeting. And then I caught myself saying, “Mrs. Backinger feels that Mariah has had a very bad attitude and we would like to work with you to figure out how we can move forward.” After a pause, Mariah’s mom said, “okay.” We decided we would meet with Mariah and her mom at three-thirty that Friday, directly after school.

That Friday afternoon Mrs. Backinger, along with Mariah’s technology teacher (after hearing about the meeting decided she also wanted to take part to discuss Mariah’s behavior in her class) sat around my mediation table. The three of us were discussing an incident with another student, Jason, (who had just been sent to the alternative school) and how disappointed we were while sharing a box of Cheezits that I had been saving for Jason before he was suspended. We looked at the clock and noticed it was three-forty-five. There had been no sign of Mariah or her mom, nor had we received any phone calls or messages regarding her tardiness or absence. We decided to wait until four o’clock and then agreed to go home. I suggested I would follow up with Mariah and her mom on Monday. When I spoke to Mariah the following Monday, I asked her why she and her mom had not shown up for the conference. Mariah expressed that her mom had driven by the school and stated, “Not today!” Mariah stated that her mom had advised Mariah to let us know that she had “dealt with Mariah at home” and to text her if there were any more
problems.” Mariah stated that her mom said she would come in for a conference if there were any more problems, but that she would rather just wait and see how the next week went. I looked at Mariah with a puzzled look on my face. I found myself simply saying, “Okay.” (Observation, April 27, 2017).

Mariah’s mother had taken control of the situation with Mariah and made a unilateral decision that she would “handle it.” I thought back to my original conversation with Mariah’s mother on the phone and her question regarding what was really the problem. When I explained that it was Mariah’s attitude I had gotten the sense that although Mariah’s mother made the appointment, it was not something she felt warranted, thus justifying her failure to show up. I had hoped that by allowing all of us to sit down together and work through the issue of “attitude” Mariah and her mother would be able to bring some cultural context to the issue as well as understand, from Mrs. Backinger’s perspective, just how Mariah’s “attitude” was impacting her teachers, and not just from a procedural or institutional standpoint, but personally. Through this dialogue, I had hoped some deeper understanding might emerge regarding the intersection of race and class on perceptions of behavior and the opportunity for a bridge of trust in the mutual goal of helping Mariah succeed in all understandings of the word. Just as another African American student’s mother had expressed that she “blocked” her teacher’s number, exemplifies a level of trust that is absent from the process and a barrier that must be recognized to confront. When assumptions are made about parents, particularly that parents “don’t care,” and assumptions are made about teachers, without an honest dialogue, the potential for trust to grow out of recognition and confrontation of
difference is stifled. Just as it is the responsibility of the adult to initiate the process of care, it becomes the responsibility of the institution to begin to work to engender trust with factions of the community that may have long lost trust, or for which trust never existed with educational institutions. Without the development of trust between the community and the school, and without the ability of the community (parents and students) to feel as if they may freely express and confront difficult issues, DTR and other restorative practices may begin to subtly reinforce the very power structure it is hoping to eradicate whereby what is deemed as just, ultimately, is determined by the status quo. A reminder that the success of restorative justice as a way to disrupt the school-to-prison-pipeline and challenge the legitimacy of punitive carceral systems is based in community ownership over a collaborative process whereby trust is paramount—a factor that cannot be measured alone in suspension statistics.

It had been a particularly stressful day; teacher contracts had come out with news that there would be nineteen vacancies in need of filling, roughly 61% of the teaching body. District had just announced a proposed plan to convert Griffith from a K-8 school to a K-6, then a K-5 school the following year by eliminating the junior high (7th and 8th grade) effective at the beginning of the next school year. The incoming 7th and 8th graders would be transferred to Balsz Elementary, currently a K-8 school.

The news of the middle school plan spread rapidly throughout the school, and it seemed like overnight the campus was a buzz with rumors. Everyone seemed to be confused about what would happen the following year, who would be staying, who
would be transferring to the middle school, which would leave the district, what would
happen to our assistant principal. Since we would not have a middle school next year, our
school would no longer have an assistant principal position. Mr. Carter was seen as such
a core member of the school community the thought of starting the year without him was
hard to swallow. There were rumors flying about the continuation of DTR without Mr.
Carter who was such an integral part of the initiative and its most passionate supporter. I
wondered what would happen to my position without Mr. Carter, as the administrative
support for both DTR and my position, was crucial to its success. In a whirlwind of
rumors, gossip, and hushed conversations behind closed doors, the district had organized
and compiled surveys what seemed almost overnight. The district planned to hold an
“open forum” at the upcoming board meeting as a way to listen to the community and
consider stakeholder opinions before officially voting on the middle school proposal.
After speaking to teachers and students that attended the meeting, the sentiment shared
with me was one of dismissal. Teachers spoke of how students came forward to speak
about their desire to stay at Griffith and how they did not agree with the movement
proposal. Students stood up and passionately spoke of wanting to spend their final years
at Griffith. Parents expressed concerns about splitting their children between two schools,
and while many teachers ultimately supported the change, most felt that the decision had
already been made and that the voices of parents and students were not given adequate
weight, almost as if the entire forum was for show. Not long after the decision was made
to begin phase one of the new middle school model the following school year, a decision
endorsed by the principal of Balsz, and after that principal had actively recruited some of
Griffith’s middle-school teachers, he suddenly announced that he was resigning. Not long after the announcement of Balsz’s principal’s’ resignation Griffith’s principal, Mrs. Carroll, announced that she too would be leaving Griffith, citing family obligations. Many teachers felt cheated, students felt abandoned, and the positive, welcoming and pleasant demeanor I had first experienced coming on board with Griffith elementary had disappeared, replaced with a tenuous sense of uncertainty, negativity, and even, at times, hostility. Quarter three had gotten off to a rocky start and morale seemed to be at an all-time low for both teachers and students, and dedication to DTR or restorative practices did not seem on the forefront of many of the teachers’ minds as it seemed there was little sense of community left to restore.

While such a major disruptive event was not likely to occur every year, a similar disruption had occurred just four years prior when the decision was made to close Orangedale Prep Academy, a junior high serving Balsz District 7th and 8th graders and turn both Griffith and Balsz Elementary schools back into K-8 institutions. The District and school board cited teacher attrition as one of the reasons for the proposed creation of the new middle school (grades 6-8) at Balsz, as the District admitted struggling to attract and keep qualified teachers, particularly at the middle school level. Mr. Carter told me that the previous year the 7th-grade students went through a total of three math teachers throughout that academic year. Middle school aged students who had attended Griffith since kindergarten were only familiar with their previous kindergarten teachers as the kinder team was the only team of teachers who remained a constant at Griffith at that
time. Students faced getting to know new teachers school-wide year to year (Observation April 26, 2017).

“This school hates us; they just want to send us to Balsz.” - 7th grade Latina student who had attended Griffith since Kindergarten on the decision to transfer students to Balsz Elementary.
CHAPTER 5

FINAL GRADES; ANALYSIS AND WAY FORWARD

I excitedly arranged the chairs in the thinkery into a circle in preparation for Julio’s final meeting. The purpose of the meeting was to celebrate Julio’s many successes and his impending promotion ceremony and to close out the circle of support that we had started almost six months prior. I breathed a long sigh of relief. Julio would be starting the freshman academy through the local high school he would be attending in the fall, a program designed to give incoming freshman a leg up academically as well as orient them to high-school life. As a group, we had ups and downs with Julio, and I felt I had invested so much energy into the success of this one child. There were times when I had become frustrated with Julio and times when I felt like giving up when Julio did not live up to the expectations I had for him. There were times when Julio expressed a desire to quit when Julio’s eyes would tear from frustration borne from years of falling through the cracks. Julio’s grades, while clearly an improvement from the previous year, could have been better, and typical for many of the 8th-grade students Julio had started to lose academic steam toward the end of the year. Julio’s behavior, however, had ceased to be a concern and Julio had seemed to integrate well into his classroom community. I chuckled to myself as I arranged the donuts on a table near the door thinking back to the very first circle where Julio had at first refused a muffin, clearly nervous, and felt confident that he would not refuse this mornings’ donuts. I looked up at the clock; it was 8:30 a.m. on the nose and just as soon as I pulled my eyes away—always feeling a bit apprehensive
having to work under strict timeframes—Julio and his mother accompanied by Mrs. Carroll, Mr. Carter, Mrs. Backinger, and Deena the school receptionist who would translate for Julio’s mother, appeared at the door. This final circle had grown smaller than the original circle—a full six months later—and with the chaos of the end of the year as well as the impending disruptive changes it had been increasingly difficult for teachers to make all meetings due to other obligations, and I imagined, burnout. I was pleased that both Mr. Carter as well as Mrs. Carroll and Mrs. Backinger had made the meeting to celebrate Julio. Julio had made the most improvement in math and while struggled to catch up and was still admittedly not wholly prepared for 9th-grade math, had shown and effort and enthusiasm rarely if ever noticeable in the past, so Mrs. Backinger’s presence was particularly special. As I opened the circle, I noticed a real change in the Julio. He sat up straight, and he was smiling well aware that all of the “ta-do” was about him. Mrs. Carroll’s words from the first circle echoed in my ears, “he will be so surprised, I bet he has never received this much attention in his life.” Julio’s mom spoke first thanking us for the opportunity to be there that morning, apologizing that she had missed a previously scheduled meeting. She continued, expressing her gratitude. “Thank you for being patient with him. I have seen such a change in him. No more phone calls home from the school. “It is so nice.” (Observation, May 11, 2017). Julio’s mother was smiling and had tears in her eyes as we discussed Julio’s impending promotion. Mrs. Carroll pulled out the contract Julio had signed and began to recall how she, at first, did not believe Julio would last a week. She expressed how proud she was of Julio and how she would, in fact, miss him at Griffith. Mrs. Carroll cautioned Julio that “all of this” she motioned to the circle
and all of its occupants were not going to be around next year, that he would essentially be on his own. She urged him to take the skills he had learned and apply them to a new challenge next year. She motioned to my direction and urged Julio to thank me [Ms, Weeks] and explained that he may not understand it now, but one day he will look back and see just how important I had been in his life and that hopefully, he would be able to thank me one day.

At this Julio nervously began fidgeting with his fingers, still smiling. Mr. Carter expressed how impressed he was of Julio—again reminding Julio of the courage it had taken to change his behavior and encouraging Julio for displaying courage. Mr. Carter talked about Julio’s turnaround and how he had not once had to see Julio for a behavior problem since his return and how Julio had not needed to participate in any mediations nor was he complained about, save for one misunderstanding with another student, the entire rest of that year. Mr. Carter lamented that this had not been conceivable before his support circle as Julio’s “bad behavior” had remained constant since he had started attending the school in 5th-grade three years prior. Mrs. Backinger smiled her characteristic wide-toothed smile and began to speak about the effort she had seen from Julio in math class, something she had never before seen from Julio in regards to academics. Mrs. Backinger cautioned Julio in regards to high-school math but advised him that with guidance, ambition, and the humility to ask for help he would be able to succeed. Suddenly all eyes were on Julio as I passed the talking piece to him, again his boyish shyness apparent as he wrung his hands yet another reminder of the fragility of
youth. “Julio,” I prompted, “what are you most proud of?” Julio smiled and said, “That I stopped getting in trouble.”

A Second Look at the Numbers

Like all things in our capitalist society, as we will recall, start and end with numbers. Statistics regarding the number of suspensions by race/ethnicity have been used to illustrate the problem and are also being used to gauge the efficacy of solutions.

While this study is not a statistical analysis and in fact challenges the use of statistics as the primary indicator of change particularly in understanding the magnanimous complexity of the intersecting levels of oppression inherent in the phenomenon called the school-to-prison-pipeline, and while this project has attempted to tease out and analyze a small number of these complexities, analysis of suspension numbers remains an important part of any analysis on restorative justice in schools, particularly when as was the case with Griffith, numbers acted as primary inspiration and motivator for the adoption of “a new way.” So, what did the numbers look like after Griffith’s first full year of piloting DTR and restorative justice? Suspension numbers (both in and out of school) from the Data Warehouse\textsuperscript{53} for the 2016-2017 school year showed American Indians/Alaskan Natives suspended at a rate of 6.4% (population 5.4%). Black/African-American students suspended at a rate of 8.5% (population 7.5%), Hispanics/Latinos 63.8% (population 76.2%), two or more races 2.1% (population 1.9%) and white students at 19.1% (population 7.6%). Griffith suspended (both in-school and out of school) a total of 47 students with a total population of students at 683 during that
school year. In looking at the year directly preceding the year Griffith began implementing DTR, American Indian/Alaskan Natives showed rates of 1.6% (at 5.4% of the population), Black/African Americans showed 9.7% (9.8%), Hispanic/Latinx 69.4% (at 74.9%) two or more races at 3.2% (1.9%) and white students and 16.1% (6.9%). During the 2015-2016 school year, Griffith suspended a total of 62 students with a student population of 72154. (Appendix J: Griffith Suspension Rates Years 2015-2016; Appendix K: Years 2016-2017).

After year one of piloting DTR, statistically, there were no major or notable changes in suspension numbers, although it is important to recall that only the first cohort of teachers (approximately half) was utilizing DTR for the entire year. Overall suspensions did slightly decrease; however, the student population had also decreased. Suspensions for Hispanic/Latinx students showed a slight decrease, suspensions for Black students decreased, but showed a proportional increase, suspension numbers for mixed race students decreased slightly from the previous year, but the percentage of white students suspended increased and still showed to be grossly disproportionate to white student enrollment.

While statistics seemed to have been the driving force behind many schools’ transition to “alternative discipline,” and the soapbox from which many in the restorative justice “movement” advocate, numbers here do not provide enough information to gauge Griffith’s initiative, particularly against a disruptive framework. Arguably numbers alone cannot paint a full picture when presented alone. The findings illuminated in this study go
beyond numbers to begin to illustrate a framework to measure the potential for disruptive change.

Ultimately, trust is everything. We can have a school lacking the latest resources, money for extra-curricular activities, “state-of-the-art things,” but if we have trust—between parents, teachers, administrators, staff, students, and the community at large, we can have a school capable of disruptive action. I have shown how DTR and restorative practices begin to provide a method—a way forward—for the necessary structuring of trust and community by prioritizing a culture of care through collaborative problem solving and conflict resolution as paramount for each student—complete and inclusive ownership over discipline by those affected.

Through the restorative practices inherent in DTR, particularly through the student/teacher mediation process, as well as other common restorative practices (restorative re-entry circles/circles of support, community building circles) students and teachers alike were given the opportunity to be heard and to take ownership of and accountability for situations in which they have been a party to harm or hurt. Not only to circumvent a system by which a broken rule resulted in an arbitrary preordained punishment—but to work to create a space of shared power, individual autonomy, and personal validation. A culture of care works to not only make visible the experience of marginalized youth but empower youth as advocates for their own experiences while challenging teachers and others in positions of authority to confront their own biases and
assumptions—to engage with students, parents, and the community in a truly relational way.

Teasing out the Tensions: The Larger Structuring of Inequality and the Ramifications to Care

Trust is understanding. To trust in an individual, to trust in an institution, and to trust in the community in which both belong one must first understand the community one is being asked to trust. Care, in the context of schools, must be analyzed through an intersectional lens and schools, particularly in low-income multicultural neighborhoods hoping to implement any restorative justice initiative must reconcile the vast historical power differentials that already inherently exist between students, teachers, administrators and factions of the community. Where one faction of the community has historically held power over another, extra effort must be taken to provide a transparent space for confrontation of issues relating to trust and community building. This must start with an administration, teaching body, and staff that are willing to actively engage in transformative learning by addressing implicit bias through a recognition of centrality of experience—a willing understanding of bias and its origins, the space to critically reflect on assumptions, beliefs, and values, as a community, and a continuous open inviting dialogue dedicated to engaging students, parents, and the larger community in the transformative learning experience (Hermanns, 2016).

We cannot simply assume community by proximity, and unlike the indigenous practice of restorative justice, many school communities are not bound by a shared
history, culture, or experience. Schools must work to provide the time, space, and
dedication to confronting the reality of race and class in public education amidst a larger
system that operates under the same “colorblind” notion of equality seen in the criminal
justice system. This must be recognized and confronted before the restorative power of
community can take effect; and something that no DTR flowchart or action plan can
manifest overnight, if at all. Simply adopting restorative practices owned and facilitated
by those within the power structure will likely not yield disruptive results and may
ultimately lead to the co-opting of a movement meant to level power playing fields.
Instead continue to alienate and disenfranchise already marginalized students and
families, even if students are not “suspended” as a result.

Trust is continuity. The disruption of continuity in any initiative, particularly an
initiative aimed at the creation of a sustainable community, contributes in a momentous
way to its demise. Particularly when working to build trust in multicultural schools and in
neighborhoods where trust is already tenuous. The literal disruption of community is
evidenced by the near constant movement of both teachers and students precipitated by
larger structures of inequality inherent in not only the institution but within society at
large.

Arizona is one of the states where the vast deficits existing for teachers within
educational institutions create circumstances where teachers themselves are often
marginalized. In fact, Arizona currently experiences a “shortage of teachers” at
disproportionately high rates (highest rate of shortages in the nation), and has one of the
most serious teacher retention problems. (Jimenez, 2017). During the 2013-2014 school year, 62% of Arizona districts had teacher vacancies, and nearly 1,000 teachers were on a substitute or emergency credentials. Teachers suffer from low-wages, general lack of professional quality preparation, poor working conditions, lack of mentorship, and many times a feeling of a lack of support for the immense challenges teaching presents. (Jimenez, 2017). The lack of support and appreciation many teachers undoubtedly feel, particularly within Title I districts already stretched to capacity, could be fueled and exacerbated by what may be perceived within the school as an extra burden. The requirement under restorative justice or DTR—not only to just teach but to care and care in a way that requires each teacher to relinquish the power so often relied upon to keep order.

High rates of literal disruption, harsh reality of poverty amongst the student population, also work to create an unstable community that seemed to be in a constant state of flux both in and out of school. It was not uncommon for students to withdraw from the school due to an abrupt and unexpected move many times due to eviction or other economic circumstance and experience high rates of absenteeism. Students were sometimes taken into foster care and thus sent to different schools. Students spoke of living in motels and students would, at times, spend weeks in Mexico failing to return from a school-break until much later. Teachers often complained of new students “disrupting” the classroom community, particularly new students with behavior issues as they struggled to adapt to a new school—for some children their third or more school that year.
For the development of trust, a community must remain largely intact. For restorative justice to work to subvert formal systems, for DTR to engender true community ownership over discipline (and over its own), requires a strong foundation and a more thorough understanding and combating of the larger systems structuring inequality and disrupting care.

For Districts, Policy-Makers, and Legislatures on the Structuring of Schools for Disruption Through Restorative Justice

Schools implementing a restorative justice initiative must already be willing to “break the rules of the game” and challenge various structural procedures and protocols at odds with a facilitation of a care-oriented culture including revisiting existing rules, procedures, and mandates at odds with the creation of a culture of care and authentic relationship.

Districts must prioritize dedication to the recruitment of a diverse teaching and administrative staff. As W.E.B. DuBois wrote in his 20th century, *The Souls of Black Folk*, “The problem with the 20th Century is the problem of the color-line (Dubois, 1990). Still true, here in the 21st Century. We cannot ignore skin color. Districts must actively recruit more teachers and administrators (those in positions of power) that more closely reflect the population served as well as increase diversity in staffing, even at schools that are predominantly white, disrupting the silence around issues of diversity born of years of colorblind policy.
Districts need be mindful of the necessity of opening up the training and facilitation of restorative practices (for example those in coordinator positions like my own) to those not only of more diverse racial/ethnic/national or other cultural backgrounds but to those outside of traditional disciplines found in a public-school setting (teachers, guidance counselors, social workers). When looking to involve members of the community and give members of the community a more active role in the facilitation of restorative practices, minimum education requirements such as a four-year or advanced degree or certificate may prohibit inclusion by members of the community most affected. Schools must not remain fortresses of isolation but enact policies and procedures that allow for the reintegration of school and community where schools act as the epicenter for the exchange of knowledge, culture, and experience—where “school” knowledge is not privileged over “neighborhood” knowledge.

While statistics play an important role in gauging the rate at which students are removed from the classroom and suspended (lost learning time), districts need to work to adopt a procedure for measuring success based not solely on statistics but existing within the restorative framework of measuring care and trust. Resources for the continual evaluation of overall school climate and culture, as well as levels of trust existing between the school and community, are necessary for the ongoing evaluation of restorative justice programs—in addition to a statistical review of test scores and suspension rates.
While DTR and restorative practices can help to cultivate a culture of care by giving voice and a choice to marginalized children, it will take dedication to a larger validation of the lived culture and experiences of the students. Districts must also prioritize a culturally responsive pedagogy; this is imperative in a reframing of current narratives underlying the value system of the status quo—in rewriting these narratives to allow students to recognize themselves in what they learn promoting positive identity and reframing what it means to be a citizen.

A dedication to cultivating a culture of care through trust must be prioritized by way of addressing the underlying issues related to the marginalization of teachers. For schools and districts serious about restorative justice proper attention need be paid to the tremendous effort of all involved and efforts should be recognized by an increase in salary, number of support personnel, reallocation of resources to prioritize and support restorative practices and collateral services, and increased opportunities for teachers and staff to engage in holistic personal and professional wellness. A recognition of the at times incredibly taxing nature of restorative work and the prioritization of a culture where self-care, reflection, and personal support are valued is crucial—even at the expense of traditional aspects of the profession like focus on curriculum and standardized testing.

Lastly, restorative justice and restorative practices need to be an essential part of any teaching certificate or program or standard practice for the education of any of those who wish to work in schools and with youth. New teachers should come into the profession with an understanding of the dire need for a shift in discipline, and the shifting
nature of the role of teachers in our society—for it is no longer enough to “just” teach. By teaching restorative justice as part and parcel of courses on classroom management and child behavior, districts will bear less a burden in educating, training, and convincing teachers to come along for the ride.

A Few Loose Ends

Since Griffith Elementary did not employ a school resource officer, this study was not able to comment on the inclusion of law enforcement as part of the culture of care in building a restorative community. More research is needed to examine the impact of school resource officers and the greater law enforcement community on the ability of marginalized members of school communities to establish and sustain trust. The tensions that still exist between marginalized members of the community, particularly those of color, and with law enforcement institutions, pose a significant challenge to the development of the community necessary for DTR and other practices to have a disruptive potential under the framework laid out in this study. Additionally, the ability for members of the law enforcement community to work “outside the current criminal justice system” in the manner needed for disruptive change is worth examining as many restorative justice initiatives nationwide—particularly at the high-school level—aim to utilize school resource officers and engage with local law enforcement.

More research is needed on the efficacy of restorative justice and restorative practices in schools with higher levels of homogeny considering race, gender, class, and nationality to continue to understand better the unique challenges of restorative justice in
multicultural neighborhoods and schools in addition to understanding how intersecting positionalities promote or prohibit the establishment of community and trust. This study does not also address the complexities of restorative justice with students suffering from or labeled as having emotional or intellectual disabilities, a factor severely influencing a child’s marginalization and the chance of being “pushed out” of the classroom, placed in special education, and even criminalized.

Another area touched upon in this study in conjunction with restorative justice in schools is the use of “alternative” behavior schools such as Blueprint Academy. While the use of alternative schools has been criticized as exacerbating the school-to-prison pipeline and often viewed as the last stop down the proverbial path to incarceration the use of these schools in conjunction with a restorative process needs to be further examined for those students that may benefit from the individual attention and directed services received at certain alternative schools, despite the label. While the exterior of Blueprint Academy resembled that of a detention facility and while students were given less freedom, testimonies from both students returning from Blueprint during the period of this study agreed they felt they had succeeded at Blueprint—that the teachers and staff “cared” for them (Observation, April 5, 2017). This sentiment was defined by the individual attention and “help” each teacher was able to give to students in much smaller classrooms as well as the utilization of individual check-ins with students and participation in social-skill building classes. The removal from school and placement into a behavior institution under the current system is arguably problematic, however, as is the contextual framing of the word alternative; until it may seem, that student’s restorative
return where the student is met with love, support, care, and the chance to amend harm and restore trust within their school community. Working to reframe the meaning of alternative placement institutions belonging as part of a continuum of support and care for students most in need, leaves us wondering if there can be a place for alternative schools in restorative justice?

Graduation and Hope for a Better Tomorrow

Griffith’s restorative justice initiative, in summary, illustrated some of the prominent tensions that exist between the harrowing individual victories so often told in accounts relating to restorative work in schools and the various structural impediments that work to upend the program’s disruptive potential as a movement capable of beginning to dismantle the school-to-prison-pipeline. We see how the politics of care can act as a disruptive force but obfuscate the enormity of the larger structural investments required for transformative change to occur. What cost is society willing to bear for a change? Without these larger structural investments, the positive outcomes of DTR are capped. There is hope. The potential is there with adequate structuring and prioritizing of resources, the right imagination, dedication, and courage.

I sat proudly amongst the teaching staff dressed in a sparkling silver dress enthusiastic about the occasion, already sticky from the oppressive Phoenix summer heat. Through my discomfort, however, I was beaming with pride. I glanced around the gym which I had helped to decorate just the day before with balloons, lights, streamers, cutouts, and other “pomp and circumstance” in celebration of our promoting 8th-grade
students. There was an air of excitement as the climax of the year was finally upon us. Suddenly, all the “blood, sweat, and tears” the frustration and even the apprehension that surrounded what was coming next for those of us remaining at Griffith and for the students leaving us seemed to have faded into the background. As the students filed in walking in pairs dressed in formal dresses, three-piece suits, and some in traditional garb it was as if I was seeing them in a new light. A culmination of everything they had become while students at Griffith shrouded in a new air of maturity while still retaining a sense of childlike innocence that I sometimes had all but forgotten caught up in the drama of the day-to-day. I watched as Julio filed past eagerly marching in place his head held high with a look of pride and confidence I had never before seen on his face. He took his place at his assigned chair his eyes eagerly searching the section reserved for teachers and staff where I sat. His eyes met mine, and it appeared he had found that for which he was searching. A sly but knowing grin spread across his face, a look that seemed to say it all. Here we were, we had made it. Julio’s fate had seemed almost predetermined, his journey down the pipeline preordained as a low-income immigrant child of color who had found himself at odds with the social contract. Because of a commitment to the belief in restorative practices—because those involved with Julio’s return decided to imagine a different path for Julio, decided to intervene and disrupt his journey down the pipeline, he earned a second chance. Julio was able to stand head held high and hope for his future right alongside his classmates and his school community.

Austrian psychiatrist and Holocaust survivor Viktor Frankl said “if we take man as he really is, we make him worse. But if we overestimate him we promote him to what
he can really be.” Restorative justice asks us to overestimate; it asks us to reimagine what is possible, to rewrite the social contract that governs our lives to expand our understanding of justice. When we no longer see people as criminal, we imagine a society without a system meant to profit from punishment. Albert Einstein said, “You cannot solve the problem from the same level of consciousness that created it.” When we imagine schools as the center of this cultural revolution, we can effectively begin to dismantle the pipeline.

Starve the system; starve the beast.

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APPENDIX A

JUVENILES IN RESIDENTIAL PLACEMENT; YEAR 2013 COLLECTED FROM NATIONAL CENTER FOR JUVENILE STATISTICS

NATIONAL RATES OF SUSPENSION BY RACE/ETHNICITY COLLECTED FROM THE U.S. DEPARTMENT OF EDUCATION OFFICE OF CIVIL RIGHTS
Figure 3

Juveniles in Residential Placement\(^1\)
by Race/Hispanic Origin and Gender, 2013

Rate per 100,000

- Non-Hispanic white: Male 162, Female 35
- Non-Hispanic black: Male 804, Female 113
- Hispanic: Male 296, Female 45
- Asian: Male 49, Female 8
- American Indian: Male 406, Female 167

\(^1\)The Census of Juveniles in Residential Placement collects data from all juvenile residential custody facilities in the U.S., asking for information on each youth assigned a bed in the facility on the last Wednesday in October.

Races are calculated per 100,000 juveniles ages 10 through the upper age of each state's juvenile court jurisdiction.

SCHOOL DISCIPLINE

The Civil Rights Data Collection (CRDC) reveals that students of certain racial or ethnic groups and students with disabilities are disciplined at far higher rates than their peers, beginning in preschool. The CRDC data also show that an increasing number of students are losing important instructional time due to exclusionary discipline.

Rates of suspension and expulsion, by race/ethnicity

Black students represent 16% of the student population, but 32-42% of students suspended or expelled. In comparison, white students also represent a similar range of between 31-40% of students suspended or expelled, but they are 51% of the student population.

NOTE: Detail may not sum to 100% due to rounding. Totals: Enrollment is 49 million students, in-school suspension is 3.5 million students, single out-of-school suspension is 1.9 million students, multiple out-of-school suspension is 1.55 million students, and expulsion is 130,000 students. Data reported in this figure represents 99% of responding schools.

APPENDIX B

BALSZ DATA WAREHOUSE SUSPENSIONS BY ETHNICITY FOR GRIFFITH ELEMENTARY YEARS 2011-2016
School - Date Range Juvenile Suspensions by Ethnicity

School: Griffith Elementary School (103)  Suspension Type: All Suspensions  Start Date: Jul 25, 2011  End Date: Jun 9, 2016

Percentage of all enrolled students by ethnicity and percentage of suspensions by ethnicity

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th># of Enrolled Students on Jun 9, 2016</th>
<th>Distinct # of Students with Juvenile Suspensions</th>
<th># of Juvenile Suspensions</th>
<th>% of Enrolled Students</th>
<th>% of Total Suspensions</th>
</tr>
</thead>
<tbody>
<tr>
<td>American Indian or Alaska Native</td>
<td>36</td>
<td>11</td>
<td>15</td>
<td>5.4%</td>
<td>4.5%</td>
</tr>
<tr>
<td>Asian</td>
<td>4</td>
<td>1</td>
<td>2</td>
<td>0.6%</td>
<td>0.5%</td>
</tr>
<tr>
<td>Black or African American</td>
<td>71</td>
<td>29</td>
<td>47</td>
<td>9.6%</td>
<td>14.2%</td>
</tr>
<tr>
<td>Hispanic or Latino</td>
<td>540</td>
<td>126</td>
<td>208</td>
<td>74.9%</td>
<td>62.6%</td>
</tr>
<tr>
<td>Native Hawaiian or Other Pacific Islander</td>
<td>3</td>
<td></td>
<td></td>
<td>0.4%</td>
<td></td>
</tr>
<tr>
<td>Two or more races</td>
<td>14</td>
<td>7</td>
<td>13</td>
<td>1.9%</td>
<td>3.0%</td>
</tr>
<tr>
<td>White</td>
<td>50</td>
<td>31</td>
<td>46</td>
<td>6.9%</td>
<td>13.9%</td>
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<tr>
<td>Total</td>
<td>721</td>
<td>265</td>
<td>331</td>
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</tr>
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APPENDIX C

BALSZ DATA WAREHOUSE GRIFFITH ELEMENTARY INFRACTIONS BY RACE/ETHNICITY FOR 2011-2016
School - Date Range Juvenile Infractions by Ethnicity

School: Griffith Elementary School (103)  Start Date: Jul 25, 2011  End Date: Jun 9, 2016

Percentage of all enrolled students by ethnicity and percentage of infractions by ethnicity

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>% of Enrolled Students</th>
<th>% of Total Infractions</th>
</tr>
</thead>
<tbody>
<tr>
<td>American Indian or Alaska Native</td>
<td>9.4%</td>
<td>5.4%</td>
</tr>
<tr>
<td>Asian</td>
<td>0.6%</td>
<td>0.2%</td>
</tr>
<tr>
<td>Black or African American</td>
<td>9.9%</td>
<td>9.0%</td>
</tr>
<tr>
<td>Hispanic/Latino</td>
<td>6.4%</td>
<td>6.3%</td>
</tr>
<tr>
<td>Native Hawaiian or Other Pacific Islander</td>
<td>1.2%</td>
<td>0.6%</td>
</tr>
<tr>
<td>Two or more races</td>
<td>20.4%</td>
<td>20.4%</td>
</tr>
<tr>
<td>White</td>
<td>74.0%</td>
<td>74.0%</td>
</tr>
</tbody>
</table>

Ethnicity

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th># of Enrolled Students on Jun 5, 2016</th>
<th># of Juvenile Infractions</th>
<th>% of Enrolled Students</th>
<th>% of Total Infractions</th>
</tr>
</thead>
<tbody>
<tr>
<td>American Indian or Alaska Native</td>
<td>39</td>
<td>610</td>
<td>5.4%</td>
<td>5.3%</td>
</tr>
<tr>
<td>Asian</td>
<td>4</td>
<td>24</td>
<td>0.6%</td>
<td>0.2%</td>
</tr>
<tr>
<td>Black or African American</td>
<td>71</td>
<td>1,082</td>
<td>9.9%</td>
<td>9.3%</td>
</tr>
<tr>
<td>Hispanic/Latino</td>
<td>540</td>
<td>8,091</td>
<td>74.0%</td>
<td>70.9%</td>
</tr>
<tr>
<td>Native Hawaiian or Other Pacific Islander</td>
<td>3</td>
<td>37</td>
<td>0.4%</td>
<td>0.3%</td>
</tr>
<tr>
<td>Two or more races</td>
<td>14</td>
<td>401</td>
<td>1.9%</td>
<td>3.5%</td>
</tr>
<tr>
<td>White</td>
<td>50</td>
<td>1,581</td>
<td>6.9%</td>
<td>10.4%</td>
</tr>
<tr>
<td>Total</td>
<td>725</td>
<td>15,499</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Juvenile Infractions are infractions committed when a student is under the age of 17 at the time of the infraction.
APPENDIX D

FOUR-OPTIONS MODEL FOR RESOLVING CONFLICT; DISCIPLINE THAT RESTORES (CLAASSEN, 1995)
APPENDIX E

DISCIPLINE THAT RESTORES FLOWCHART: DISCIPLINE THAT RESTORES, CLAASSEN (2008)
Chapter 7 • Student/Teacher Meeting

Preparation

Student/Teacher Conflict

Usual Constructive Reminders

Resolved

Not Resolved

Celebrate

Respect Agreement

If teacher or student needs cool down, send student to Thinkery for time-out. If student is cooperative, student returns, then resume at point on flowchart where student left.

If student is defiant or uses serious profanity, send to Thinkery. If student is cooperative, offer Option #3 or #4 invitation.

Resolved

Not Resolved

Celebrate

Active Listening and/or I-Message

Resolved

Not Resolved

Celebrate

Four Options Model

Cooperative

Not Cooperative

Cooperative

Thinkery

Not Cooperative

Family Conference

w/teacher
w/teacher & counselor
w/teacher & administrators

Cooperative

Not Cooperative

School Authority Structure

Education Code Violations

Student/Teacher Meeting

#4 w/no mediator(s)
or
#3 w/mediator(s)

Agreement Made & Signed

Follow-up Meetings

Were Agreements Kept?

Yes

Celebrate & Support

No

No
APPENDIX F

SAMPLE STUDENT/TEACHER AGREEMENT FORM; DISCIPLINE THAT RESTORES
STUDENT/TEACHER AGREEMENT

Student: ___________________________________________  What is the conflict about? ________________________________

Teacher: ___________________________________________  ________________________________________________

Date: _______________________________________________  ________________________________________________

[Table]

We have agreed to search for a constructive resolution.  We have agreed to use a cooperative process.

☐ YES  ☐ NO  ☐ YES  ☐ NO

We’ve met and have discussed the conflict and agreed to the following to make things as right as possible:

I. Recognize Injustice/Violation

☐ We listed to each other’s experience (both facts and feelings) and agree that injustices/violations have been recognized.

☐ Other: ____________________________________________

II. Restore Equity

☐ Apology for injustices/violations

☐ Other (describe in detail): ____________________________

III. Future Intentions

☐ We agreed to prevent the problem from happening again by: ______________________________________________

☐ We talked about how important it is to complete this agreement and how this will help build trust.

☐ __________________________ has asked for help with the following concerns: ____________________________

IV. Follow-Up Meeting

We agree to meet again for a follow-up meeting. (Date, time, location): _______________________________________

__________________________  __________________________
Student signature       Teacher signature

Follow-up results: ____________________________________________

________________________________________________________
STUDENT/TEACHER AGREEMENT

Student: __________________________ Teacher: __________________________

Date: 2/18/17

What is the conflict about? disruptive behavior in class and 

We have agreed to search for a constructive resolution. YES □ NO

We have agreed to use a cooperative process. YES □ NO

We’ve met and have discussed the conflict and agreed to the following to make things as right as possible:

I. Recognize Injustice/Violation

☑ We listed to each other’s experience (both facts and feelings) and agree that injustices/violations have been recognized.

☐ Other: Other: ☐

II. Restore Equity

☑ Apology for injustices/violations Both apologized (_________ for behaviors, _______ for hurting, _______ for feelings)

☐ Other (describe in detail): __________________________

III. Future Intentions

☐ We agreed to prevent the problem from happening again by: ____________ will ignore seatmate if she starts to talk or cry, ____________ will tell co-worker if they hurt each other’s feelings.

☐ We talked about how important it is to complete this agreement and how this will help build trust.

☐ has asked for help with the following concerns: __________________________

IV. Follow-Up Meeting

We agree to meet again for a follow-up meeting. (Date, time, location): Weds. 2/18/17

Student signature __________________________

Teacher signature __________________________

Follow-up results: __________________________

200
STUDENT/TEACHER AGREEMENT

Student: ____________________________  What is the conflict about? boys went into  

Teacher: ____________________________  boy and took  

pokemon cards.  

Date: Feb. 14, 2017  

We have agreed to search for a constructive resolution.  

☐ YES  ☐ NO  

We have agreed to use a cooperative process.  

☐ YES  ☐ NO  

We’ve met and have discussed the conflict and agreed to the following to make things as right as possible:

I. Recognize Injustice/Violation  

☐ We listened to each other’s experience (both facts and feelings) and agree that injustices/violations have been recognized.  

☐ Other: ____________________________  

II. Restore Equity  

☐ Apology for injustices/violations  

☐ Other (describe in detail): give cards to at the beginning of class  

to give back at recess, after recess turn cards back into play nice/fair friendly with pokemon cards  

III. Future Intentions  

☐ We agreed to prevent the problem from happening again by: If you card-trust  

we’re not turned in he can keep theirs.  

will institute policy for whole class.  

☐ We talked about how important it is to complete this agreement and how this will help build trust.  

☐ has asked for help with the following concerns: ____________________________  

IV. Follow-Up Meeting  

We agree to meet again for follow-up meeting. (Date, time, location): Feb. 21  

Student signature  

Teacher signature  

Follow-up results: agreement have been kept! Boys are turning in Pokemon at the beginning of class and getting turned in at recess and end of day. They also are still having trouble playing fair with them. Ms. Weekly will work separately on that issue.
STUDENT/TEACHER AGREEMENT

Student: ___________________________  Teacher: ___________________________

Date: 5/17/17

What is the conflict about?  __________________________________________________________________________

We have agreed to search for a constructive resolution.  __________________________________________________________________________

We have agreed to use a cooperative process.  __________________________________________________________________________

We’ve met and have discussed the conflict and agreed to the following to make things as right as possible:

I. Recognize Injustice/Violation

☐ We listened to each other’s experience (both facts and feelings) and agree that injustices/violations have been recognized.

☐ Other: __________________________________________________________________________

II. Restore Equity

☒ Apology for injustices/violations: Both apologize. Will use a different tone when talking. Will try not to be insensitive.

☐ Other (describe in detail): __________________________________________________________________________

III. Future Intentions

☒ We agree to prevent the problem from happening again by: __________________________________________________________________________

☐ If her tone is disrespectful, speak privately. Be nice to each other, don’t take out anger.

☐ We talked about how important it is to complete this agreement and how this will help build trust. __________________________________________________________________________

☐ has asked for help with the following concerns: __________________________________________________________________________

IV. Follow-Up Meeting

We agree to meet again for a follow-up meeting. (Date, time, location):

☐ Student signature  ☐ Teacher signature

Follow-up results: __________________________________________________________________________
APPENDIX J

GRIFFITH ELEMENTARY SUSPENSION RATES YEARS 2015-2016; BALSZ
DATA WAREHOUSE
School - Date Range Juvenile Suspensions by Ethnicity

School: Griffith Elementary School (103)  Suspension Type: All Suspensions  Start Date: Jul 27, 2015  End Date: Jun 9, 2016

Percentage of all enrolled students by ethnicity and percentage of suspensions by ethnicity

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th># of Enrolled Students on Jun 9, 2016</th>
<th>Distinct # of Students with Juvenile Suspensions</th>
<th># of Juvenile Suspensions</th>
<th>% of Enrolled Students</th>
<th>% of Total Suspensions</th>
</tr>
</thead>
<tbody>
<tr>
<td>American Indian or Alaska Native</td>
<td>32</td>
<td>1</td>
<td>1</td>
<td>5.4%</td>
<td>1.6%</td>
</tr>
<tr>
<td>Asian</td>
<td>4</td>
<td>4</td>
<td>6</td>
<td>0.6%</td>
<td>0.2%</td>
</tr>
<tr>
<td>Black or African American</td>
<td>71</td>
<td>4</td>
<td>6</td>
<td>9.0%</td>
<td>0.7%</td>
</tr>
<tr>
<td>Hispanic/Latino</td>
<td>540</td>
<td>35</td>
<td>43</td>
<td>74.9%</td>
<td>68.4%</td>
</tr>
<tr>
<td>Native Hawaiian or Other Pacific Islander</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td>0.4%</td>
<td></td>
</tr>
<tr>
<td>Two or more races</td>
<td>14</td>
<td>2</td>
<td>2</td>
<td>1.9%</td>
<td>3.2%</td>
</tr>
<tr>
<td>White</td>
<td>50</td>
<td>7</td>
<td>10</td>
<td>6.9%</td>
<td>16.1%</td>
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<td>Total</td>
<td>721</td>
<td>47</td>
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</table>

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APPENDIX K

GRIFFITH ELEMENTARY SUSPENSION RATES YEARS 2016-2017; BALSZ DATA WAREHOUSE
School - Date Range Juvenile Suspensions by Ethnicity
School: Griffith Elementary School (103)  Suspension Type: All Suspensions  Start Date: Jul 25, 2016  End Date: Jun 8, 2017

Percentage of all enrolled students by ethnicity and percentage of suspensions by ethnicity

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>% of Enrolled Students</th>
<th>% of Total Suspensions</th>
</tr>
</thead>
<tbody>
<tr>
<td>American Indian or Alaska Native</td>
<td>5.8%</td>
<td>6.4%</td>
</tr>
<tr>
<td>Asian</td>
<td>0.3%</td>
<td>0.4%</td>
</tr>
<tr>
<td>Black or African American</td>
<td>7.9%</td>
<td>10.7%</td>
</tr>
<tr>
<td>Hispanic/Latino</td>
<td>1.0%</td>
<td>1.1%</td>
</tr>
<tr>
<td>Native Hawaiian or Other Pacific Islander</td>
<td>7.8%</td>
<td>7.8%</td>
</tr>
<tr>
<td>Two or more races</td>
<td>0.2%</td>
<td>0.2%</td>
</tr>
<tr>
<td>White</td>
<td>19.1%</td>
<td>19.1%</td>
</tr>
<tr>
<td>Total</td>
<td>100.0%</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

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Title schools program description. Title I, Part A (Title I) of the Elementary and Secondary Education Act, as amended (ESEA) provides financial assistance to local educational agencies (LEAs) and **schools** with high numbers or high percentages of children from low-income families to help ensure that all children meet challenging state academic standards. “Title I, Part A Program.” *Home*, US Department of Education (ED), 5 Oct. 2015, www2.ed.gov/programs/titleiparta/index.html.

2 A proposal was submitted to the Balsz District School Board and was approved by the board prior to submission and approval of the research by Arizona State University’s Institutional Review Board. 

3 Cohort One was trained in DTR July of 2016 by Ron and Roxanne Claassen authors of *Discipline That Restores*; this group of 10 teachers voluntarily “piloted” the program before full implementation in February of 2017.

4 Special area classes consist of Art, Library, Computer-science, P.E., and Music.


10 Neoliberalism is a theory of economic practices that proposes that human well-being can best be advanced by liberating individual entrepreneurial freedoms and skills within an institutional framework characterized by strong private property rights, free markets, and free trade. Harvey, David. *A Brief History of Neoliberalism*. OUP Oxford. 2007. Ebook.


12 Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA) is an Act of Congress signed into law on April 24, 1996 by President Bill Clinton. The act was in response to general dissatisfaction with the law of habeas corpus and therefore brings major modifications to habeas corpus law as used to challenge criminal convictions. *Legal, Inc. US*. “USLegal.” *Antiterrorism and Effective Death Penalty Act of 1996 Law and Legal Definition* | *USLegal, Inc.*, definitions.uslegal.com/a/antiterrorism-and-effective-death-penalty-act-of-1996/

13 20 U.S. Code section 7151-Gun Free Requirements, retrieved from: Legal Information Institute, Cornell University Law School, Published January 8, 2002.

14 DiIulio admitted five years after the publishing of his theory on the impending dangers to society of the juvenile super predator that his theory had been wrong. DiIulio attributed this to an “epiphany of faith,” accompanied by field work in Philadelphia engaging in service teaching. DiIulio’s theory was officially discredited when the juvenile crime rate actually dropped by more than half; Becker, Elizabeth (2001). *As Ex-Theorist on ‘Young Superpredators,’ Bush Aide has Regrets.* The New York Times. Web. http://www.nytimes.com/2001/02/09/us/as-ex-theorist-on-young-superpredators-bush-aide-has-regrets.html


statement regarding undocumented “illegal” immigrants from Mexico being “rapists and drug dealers” and

32 city

Times

Elizab

Municipal policies include prohibiting police or city employees from questioning.

will be more willing to report crimes, use health and social services, and enroll their children in school.

deportation and possible family break

government effort to enforce immigration law. Leaders of sanctuary cities want to reduce the fear of

31

father/story?id=32210463

30

States.

enlawful entry and presence of

agencies in Arizona. The provisions of this act are intended to work together to discourage and deter th

of this act is to make attrition through enforcement the public policy of all state and local government

enforcement of federal immigration laws throughout all of

29

adjc.az.gov/publications/reports

“Reports and Data.”

28

Templates and Other Info.

27

Community Scan

in the neighborhood.

initiative aimed at creating a comprehensive “cradle to career” continuum and improve outcomes for youth


Community Scan : Arizona State Partnership for Community Development, United Way, 2012

26

Balsz Community Scan was conducted in 2012 as part of Arizona State College of Public Service and

Community Solutions in partnership with United Way to provide data for the Balsz Promise Neighborhood

initiative aimed at creating a comprehensive “cradle to career” continuum and improve outcomes for youth

25

National Center for Education Statistics https://nces.ed.gov/fastfacts/display.asp?id=334

24

Day Without and Immigrant national protest first staged February 16th, 2017 started as a social media

campaign to protest the immigration policy proposals of Donald Trump. Chappell, Bill. “A Day Without


22 NACJR 6th annual conference on community and restorative justice.

23 Re-Entry Protocol for OUSD students returning from JCC. Oakland Unified School District: Circle

Templates and Other Info. https://sites.google.com/a/ousd.k12.ca.us/ousd-rj-resources/

21


31

In the United States and Canada, a sanctuary city is a city that limits its cooperation with the national
government effort to enforce immigration law. Leaders of sanctuary cities want to reduce the fear of

deportation and possible family break-up among people who are in the country illegally so that such people

will be more willing to report crimes, use health and social services, and enroll their children in school.

Municipal policies include prohibiting police or city employees from questioning. Foley, David Rivkin


During a 2016 candidate debate Republican nominee Donald Trump made a hugely controversial

statement regarding undocumented “illegal” immigrants from Mexico being “rapists and drug dealers” and

33 Title schools program description. Title I, Part A (f I) of the Elementary and Secondary Education Act, as amended (ESEA) provides financial assistance to local educational agencies (LEAs) and schools with high numbers or high %ages of children from low-income families to help ensure that all children meet challenging state academic standards. “Title I, Part A Program.” Home, US Department of Education (ED), 5 Oct. 2015, www2.ed.gov/programs/titleiparta/index.html.

34 Griffith school uniform compliance consisted of blue, black, or khaki trousers, shorts, or skirts. Collared shirts in the same color or T-shirts displaying the Griffith logo (school pride shirts). Students were allowed to pay one dollar to dress in “street” clothes on Fridays.


36 Racial composition based on %age is based on this researcher’s conversation with and observation or observable racial features of individuals.

37 Mr. Dallas (pseudonym) played a large role in the burgeoning restorative justice movement in Phoenix. A passionate advocate for restorative justice based on his personal experience in the criminal justice system as well as having grown up in an urban low income neighborhood in South Phoenix.

38 Balsz 2016-2017 parent/student handbook; please see exhibit on Discipline for full list of infractions and disciplinary actions.

39 Suspension data for Papago and Ingleside can be found at Office of Civil Rights.

40 Make Your Day Discipline system was used at Griffith for years prior to restorative justice and was an integral part of the school culture at the time of the introduction of restorative justice. Components and philosophy can be found at: http://www.makeyerd.com/aboutmyd/philosophy.html

41 Discipline That Restores (DTR) is a step-by-step classroom discipline process designed to increase cooperation, mutual respect, and responsibility among students and teachers. “Restorative Justice Discipline.” Restorative Justice Discipline - Home, restorativejusticediscipline.com/.

42 Pokémon is a media franchise managed by The Pokémon Company, a Japanese consortium between Nintendo, Game Freak, and Creatures. The franchise copyright is shared by all three companies, but Nintendo is the sole owner of the trademark. Pokemon cards very popular, particularly amongst the 5th grade students at Griffith and were largely banned around school for instigating student conflicts over the cards.

43 Subtractive Schooling by Angela Vasquez provides a framework for understanding the patterns of immigrant achievement and US-born underachievement frequently noted in the literature and observed by the author in her ethnographic account of regular-track youth attending a comprehensive, virtually all-Mexican, inner-city high school in Houston. The author argues that schools subtract resources from youth in two major ways: firstly by dismissing their definition of education, and secondly through assimilationist policies and practices that minimize their culture and language.

44 While no empirical data exists to verify Griffith Latinx students’ cultural adoption of a culture of educación an understanding that a great number of Griffith’s Latinx students were not far removed, being first-generation children of immigrants, from traditional Mexican values I feel comfortable making this theoretical assumption, however it is an assumption as I never directly interviewed participants about their understanding of educación.

45 Rodney King. Rodney Glen King (April 2, 1965 – June 17, 2012) was a taxi driver who became internationally known after a tape was released of him being beaten on March 3, 1991, by Los Angeles Police Department officers following a high-speed car chase his trial ending in the acquittal of the three officers involved in the beating sparked riots in Los Angeles.
The introduction of community building circles was not done until the 3rd quarter as the circling process is not specifically part of the DTR model though fits under the “preparation” part of the flowchart. Teachers had received very little training on circling, unlike the hours of training cohort one had received on the mediation process. My perceptions as to why circles were not reportedly being used was two-fold—3rd quarter burnout, (circles were seen to make more sense at the beginning of the school year) overwhelm with DTR in general and resistance to “one more thing” and the perception that “it was too late” to begin community building circles. General disruption and the knowledge that many teachers were not returning also played a role.

Austin Centers for Exceptional Students (ACES) was the alternative short-term placement program for students with special education needs in the Balsz District.

Cohort two was trained on February 2nd, 2017 two groups consisting of teachers from grade levels K-2 and 3-5 participated in half day trainings on the basic implementation of the flowchart and basic mediation structure led by conflict resolution leader and administration.

National Association of Community and Restorative Justice; professional association of academics and restorative justice practitioners who hold a biannual conference supporting the education and implementation of restorative justice practices. https://nacrj.org/

Keynote speaker Jerry Tello; internationally recognized authority in family strengthening, therapeutic healing, cross cultural issues and motivational speaking.

Through casual conversation/informal interviews I learned that the high turnover was primarily due to teacher’s dissatisfaction with school administration, the change in the middle-school plan, a desire to leave the teaching profession, and some voiced concern or dissatisfaction with DTR.

Balsz School district official release regarding the middle school “reconfiguration plan”: The district does not currently have a dedicated middle school. The change will take place over the coming months and become effective at the beginning of the 2018-19 school year. This change will mean that all Balsz students will attend the middle school moving forward, and K-5 students currently at Balsz Elementary School will be reassigned to other district schools. Additionally, the change opens the door for some significant improvements in the curriculum offered to the students in the new middle school. The overall goal will be to make the new school the destination middle school for serious student athletes, future leaders, computer whiz kids and serious college-bound academics. Its programs will be designed to expose our students to revolutionary academies that foster efficacy, engagement and a love for learning. BESD(2017). Fact Sheet: Balsz School Board Approves Changes of Balsz Elementary to Middle School. Web.

It is important to note that for a over half of 2016-2017 school year only one cohort of teachers was trained in DTR and about 10 teachers were utilizing DTR as their sole discipline system and in the previously reflected year all teachers were utilizing Make Your Day.

“Mexican-American Studies” the subject of HB2281 which restricted the use of ethnic studies in public schools was shown to increase positive student identity and academic achievement. Sleeter (2012). Ethnic Studies and the Struggle in Tucson. Educational Week. Web.