

WHY WE NEED A PARADIGM SHIFT IN SCHOOLS NOW

In Spring Valley High School, in Columbia, South Carolina, a sixteen-year-old girl identified in some news reports as “Shakara” was asked to put away her cell phone during math class on October 26, 2015. When she did not comply with the classroom teacher’s request, an administrator was called in and asked Shakara to leave the room. She did not. School Resource Officer Ben Fields, who is essentially an armed police officer, was asked to intervene. It was reported that Officer Fields told Shakara she was under arrest. What ensued—captured on video by the phone of a classmate—was Officer Fields grabbing Shakara by her neck while she was still seated and forcefully turning her desk over backward before dragging her across the floor as her peers watched helplessly or looked away. The adults stood at the front of the classroom and watched. One of Shakara’s classmates, Niya Kenny, reportedly began shouting “What the F?” and praying aloud.¹ In the aftermath, the Richland County sheriff offered, “The student was told she was under arrest for disturbing school and given instructions which she again refused . . . the video then shows the student resisting and being arrested by the SRO [school resource officer].”² Niya Kenny told reporters, “I know

this girl don't got nobody," when subsequently explaining her desire to interrupt the violence.³ Both Shakara and Niya are African American; Officer Fields, the administrator, and the classroom teacher are White.

Officer Fields's response to Shakara's refusal to leave class is situated within the framework of South Carolina Code 16-17-420, also known as the "Disturbing Schools" statute, which states:

It shall be unlawful:

(1) for any person willfully or unnecessarily (a) to interfere with or to disturb in any way or in any place the students or teachers of any school or college in this State, (b) to loiter about such school or college premises or (c) to act in an obnoxious manner thereon; or

(2) for any person to (a) enter upon any such school or college premises or (b) loiter around the premises, except on business, without the permission of the principal or president in charge.⁴

Like other laws throughout the United States, the language in the statute allows for ambiguous interpretation regarding how to identify, in practice, an action that is obnoxious or interferes with students or teachers.

Recognizing the dangers of this type of subjective practice, Governor Jerry Brown of California signed a bill in 2014, Assembly Bill (AB) 420, to limit the use of "willful defiance" as a rationale for suspending students; this rationale had been disproportionately used to suspend from school and remove from class students of color.⁵ Underlying the change in approach outlined in AB 420 is the acknowledgment that something that is lawful is not necessarily just. It may have been *lawful* in South Carolina for Officer Fields to apprehend

Shakara, but it is certainly not clear that this outcome was *just*, in the sense of being morally right and fair.

There was much analysis of the footage from Spring Valley High, and varying opinions and interpretations regarding who (the student? the officer?) or what (the Disturbing Schools statute? Officer Fields's tactics?) was at fault, but little conversation about what I wanted to know and understand: Why did the adults present—a classroom teacher with sixteen years of experience and an administrator—feel the need to call the school resource officer into the classroom to deal with a student who was not physically threatening anyone in the classroom? Over the use of a cell phone! Was this standard protocol in this classroom community, part of the school culture, or both?

As a former classroom teacher, I vividly recall the first and last time I wrote a referral. I was a tenth-grade English teacher at my alma mater, and the assistant principal “of discipline” had a reputation for being verbally and psychologically abusive to students, a reputation he'd had since I was a student. Nothing had changed. When I checked in to set up my classroom in late summer, I received the school district syllabi, keys, and a thick pad of referrals. I recall laughing it off and thinking I would never use them. One month into fall semester, a student I liked very much, “Antonio,” was having an exceptionally difficult time focusing and, more upsetting for me, was disturbing his classmates, who were starting to pay more attention to him than to me.⁶ We exchanged words, and before I knew it I pulled out that referral pad and wrote him up. Antonio stood in front of me, looking very hurt, and said, “Really, Ms. Fisher [my maiden name]?” Then he stormed out. Everyone was quiet, the outcome I thought I wanted, but my own conscience was loud, as I knew I was sending this student to an administrator who had a reputation for being incredibly mean to students. I was

paralyzed by my actions. How did I get to that point? Was writing him up necessary? Did I have another option? When this student returned to my class the next day, I offered him an apology in front of the class. I told my students that I wanted us to support one another and that I never wanted anyone to have to leave. Fortunately, Antonio did not harbor any anger toward me and simply expressed surprise that I had sent him out. “I thought we were cool,” he said. In other words, he thought we had a relationship. And we did. However, for myriad reasons, I had defaulted to a practice at my fingertips that required no imagination or real teaching skill.

When I think about the thick pad of referrals I received as part of my onboarding process, I question how teachers are socialized into a system of injustice through practices that normalize removal and isolation. How can we reclaim our commitment to providing children and youth with intellectually stimulating learning environments that value their humanity while actively rejecting carceral responses to behavior problems that arise with children?

As a scholar and educator who teaches foundational courses for preservice teachers, I am interested in the contours of teaching, learning, and justice. My own questions about Shakara’s experience became the impetus for *Justice on Both Sides*. What resources, other than arrest, were available to the administrators, teachers, and staff at Spring Valley High to address conflict in the classroom? How could the adults involved have responded differently? Why has it become standard practice to arrest students for such minor incidents? While this incident seems dated, because video and social media technologies now allow for the capture and immediate dissemination of images reflecting punitive and violent practices in American schools and communities, I argue that we have yet to pause and thoughtfully examine such patterns as stakeholders, particularly from the perspectives of new and seasoned teachers, school

staff, and students. This strikes me as education malpractice and “business as usual” as an unconscious option.

ALTERNATIVE TOOLS, ALTERNATIVE OUTCOMES

Imagine that the Spring Valley High math teacher had decided that sending students out of his classroom was not an option and was instead committed to seeing each of his students as worthy, capable, and deserving of mathematical knowledge. Part of his work the first two weeks of each academic year was to facilitate restorative justice community-building circle processes in his classroom. Restorative justice circles, in the context of schools, are spaces for creating a participatory democracy or a movement toward “non-domination,” requiring an “equal voice” for all shareholders or community members.⁷ Imagine that on the first day of class, the teacher and his students placed their chairs in a circle, removing desks from the center so as not to obstruct eye contact. Once everyone was seated in a circle, the teacher introduced a small pyramid that his brother had given him to represent his journey as a math educator. The small pyramid, or “talking piece,” was used to signal that the person holding it could speak and the others were invited to listen.

In the first “round” of the circle, the teacher asked students to respond to questions such as “Who are you?” and “Why are you here?” Some students said more than others, and a few passed on speaking altogether. In the second round, the teacher asked students to share personal experiences they’d had with math or math classes. During this round, students who passed the first time talked about how they disliked math and how it has always been hard for them, whereas others described math as one of their favorite subjects. Later in the week, the teachers and students circled up again for values and guideline exercises. These exercises served to establish

what behaviors the students believed were important for the circle to function effectively. On index cards, everyone wrote three words or values they needed in order to be in relationship with others; they then circled one of the three to share with the larger group. Cards with words and phrases such as “respect,” “being kind,” and “patience” were placed in the middle of the circle on a centerpiece until everyone had a chance to share. The teacher underscored his desire to “be patient” with his students and for students to be patient with him. The value cards were placed on a bulletin board somewhere visible and accessible in the classroom.

Marcus Hung argues that using talk circles in math classes interrupts the more typical “stratified classroom talk,” which is characterized by a few students dominating discussion and, consequently, benefiting most people in the class.⁸ Hung, who initially used talk circles as a way of checking in with students prior to instruction, describes the moment a student suggested using talk circles for the entire class period so that “everyone can see everyone else” and feel a part of the mathematical community in their classroom.⁹ Perhaps the teacher in the scenario we have imagined asked students to read an op-ed piece from the *New York Times* titled “Why Americans Stink at Math” in order to provocatively open doors for an honest discussion about math fears and successes.¹⁰ Shakara and her classmates were in a remedial math class. Perhaps if the teacher had understood his work as including equity and access, and his own positionality as a White man, he might have considered sharing aspects of the Algebra Project, highlighting Bob Moses’s commitment to positioning equity and access to algebra for Black children as a civil right.¹¹ Most importantly, imagine a bigger time and resource commitment from the school district to train all teachers, school personnel (including school resource officers), and administrators in restorative justice circle processes and to create opportunities for every professional in the

education system to talk—across disciplines and roles—about race, class, gender, ability, and implicit bias, and about how these factors impact the work of educators and administrators.¹²

This line of thinking quickly moves into the domain of practice: What can teachers and school staff *do* to address discipline in their classrooms? How can classrooms be organized physically in ways that facilitate restorative justice? The concept of “justice” in restorative justice is the purposeful attempt to disrupt cycles of injustice and inequality. Although restorative justice can be defined in many ways, scholars consistently agree with criminologist and restorative justice theorist Howard Zehr that the premise “begins with a concern for victims and how to meet their needs, for repairing the harm as much as possible, both concretely and symbolically,” and that it “involves a reorientation of how we think about crime and justice.”¹³ This requires making sense of who experienced the harm, how the harm affected people and relationships, and how stakeholders can seek a community response to the harm as opposed to fueling further polarization of those involved. This is difficult work, which is one reason why many schools lean on the language of restorative *practice* rather than restorative *justice*.

The harder work is establishing a mind-set or paradigm that views all children as valuable and worthy of affirming learning practices. This mind-set and paradigm insists that Black children, like Shakara and Niya, deserve, like all children, to be treated with dignity and respect. In an open letter to his son, *Between the World and Me* author Ta-Nehisi Coates describes how his desire to learn was interrupted by the reality of his schools: “The world had no time for the childhoods of black boys and girls. How could the schools? Algebra, Biology, and English were not subjects so much as opportunities to better discipline the body . . . I was a curious boy, but the schools were not concerned with curiosity. They were concerned

with compliance.”¹⁴ The focus on compliance in schools is dehumanizing; it does not require educators to see students as fully human and capable of learning, engaging, or having curiosity. Most learning communities that focus on compliance serve Black, Latinx, and Indigenous children. “Urban pedagogies,” according to Garrett Duncan, forsake rigorous teaching and learning for a desire to control students who are deemed to be in need of harsh discipline.¹⁵ These norms teach teachers that Black and Brown bodies in schools are disposable and that Black and Brown children are essentially “nobody,” making them easier to isolate, kick out, and push out, rather than to bring in, support their learning needs and goals, and take time to get to know them and their interests.¹⁶

Kay Pranis asserts that in order to fully grasp the shift in worldview that restorative justice requires, one would need to cultivate a “restorative impulse.” An education team that uses restorative impulse might approach challenges from the vantage point of “we cannot drop out, kick out, or get rid of anything. We must deal with one another and with our environment. From this worldview, ‘getting rid of’ is *never* a solution because we are never really rid of anything—we are always connected.”¹⁷ So let’s say Shakara has been told to put away her cell phone more than once. The teacher reminds her that the word or value she offered to the circle on the first day of class was “respect.” After this reminder, he and Shakara discuss what “respect” means to them both. Perhaps Shakara says the teacher’s tone was “disrespectful” or lets him know she is dealing with an emergency with a family member and her parents have asked her to keep her phone close. Maybe the teacher explains that he is concerned that her cell phone might stand in the way of mathematical knowledge that is foundational to her math trajectory at school and beyond. If he learns there is a family emergency, he may offer to keep her cell phone out on his own desk and promise to check it periodically to confirm that no urgent calls come in during class.

Though this is hypothetical, it underscores how dynamics change when a restorative justice paradigm is in place, because creating and sustaining positive relationships is situated at the core of the work of teaching and learning.

If I use this lens to think about how I responded to Antonio, I realize that I ignored the restorative impulse I had to never send students to an assistant principal with a reputation for being unfair and unkind. A restorative impulse would have made me stop to consider the implications for sending a Latinx student to an assistant principal who was eager to punish. After I uttered the word “referral,” it almost began writing itself. I felt too embarrassed to retract and was far more concerned with what the other students thought than with taking responsibility and demonstrating that one’s initial reaction is often not the best. Practicing restorative impulse would have led me, instead, to speak to Antonio one-on-one to remind him of our mutual respect. I would have asked him to honor this mutual respect and reminded him of my own commitment to keep every student in the classroom learning. This would have taken the same amount of time as confronting Antonio with the referral. Knowledge of restorative justice and a framework for practice might have allowed me to link impulse and mind-set with appropriate action.

WHY RESTORATIVE JUSTICE IN SCHOOLS? WHY NOW?

The outcome at Spring Valley was not atypical. Classroom teachers across the country contribute to a daily cycle of isolation or removal of students under the umbrella of “zero-tolerance policies” that mandate specific, consistent, harsh punishment for rule breaking, regardless of the circumstances, reason for the behavior, or student’s history. Data from the US Department of Education’s Office for Civil Rights demonstrate that specific student populations experience disproportionate amounts of zero-tolerance policies; they are

overwhelmingly Black, Latinx, Indigenous, and differently abled, and are being isolated and pushed out as early as preschool.¹⁸ Black girls are the fastest-growing population to experience zero-tolerance punishment in American schools,¹⁹ and differently abled and special education students are being either physically restrained or restrained with devices designed to “immobilize or reduce the ability of a student to move.”²⁰

Scholars often trace zero-tolerance policies to the tragic 1999 Columbine High School shooting. Columbine High School is in a suburban Colorado location serving predominantly White students, and the two murderers were White students, but most of the zero-tolerance policies subsequently enacted throughout the country were rolled out in urban public schools that served non-White students.²¹ Recent scholarship points out, however, that schools serving black students began to include police presence as early as the 1950s.²² As more data related to school discipline and the racial disparities of how suspensions, expulsions, and other mainstream forms of isolation are enforced in school settings become available, school communities are coming under pressure to disrupt these trends. However, in many instances, teachers are being asked to cease old practices without being introduced to new tools or alternative paradigms.

Zehr asserts that, rather than a finite set of practices, restorative justice is a paradigm shift. His seminal book, *Changing Lenses*, first published in 1990, challenged those who identify as “Christian” to rethink their investment in a retributive mind-set. In the twenty-fifth anniversary edition of *Changing Lenses*, Zehr identifies racial justice as being central to restorative justice and highlights mass incarceration as one example of the country’s inability to focus on how harm—and the criminal justice system response to harm—negatively impacts everyone.²³ Civil rights attorney and cofounder of Restorative Justice for Oakland Youth, Fania Davis, similarly argues

that everyone suffers when justice is ruptured. She describes restorative justice as a worldview that privileges human relationships:

Restorative justice is founded on a worldview that affirms our participation in a vast web of interrelatedness. It sees crimes as acts that rupture the web, damaging the relationship not only between the individuals directly involved but also vibrating out to injure relationships with families and communities. The purpose of [restorative justice] is to repair the harm caused to the whole of the web, restoring relationships to move into a brighter future.²⁴

Both Davis and Zehr assert that human relationships must be examined from all angles using a lens that seeks to think about how everyone is connected. For example, each of Shakara's classmates now has personal experience with the threat of violence in a space of formal learning. Education professionals who do want to create strong relationships with students and their families now suffer as well, because many of these students and families feel they cannot trust the adults in the school. If we think about schools as a vast web of interrelatedness—students, teachers, social service providers, administrators, administrative staff, coaches, janitorial staff, cafeteria workers, bus drivers, parents/guardians, and, in some cases, police officers—we understand that they come to the space for different reasons but should be grounded in a paradigm that values the lives and contributions of every stakeholder.

The purpose of this book is to offer a theory of restorative justice in education and to map pedagogical stances that support restorative, transformative justice discourse and practice. The book examines how a restorative justice paradigm shift might change how we conceptualize and administer punishment, shame, and guilt to reflect a more nuanced understanding of harm, the needs of those

harmed, and those who have caused harm. It also describes restorative justice tools that can support *all* youth and their teachers in cultivating participatory democracy, which should be a function of public education in the United States. To this end, *Justice on Both Sides* is guided by the following questions:

- What role, if any, can restorative justice play in creating a participatory democracy in which teachers and students can practice justice in classrooms and schools?
- How do students view the work of restorative justice? How does school staff view the work of restorative justice? What are the tensions and possibilities for restorative justice in classroom and school communities?
- How do we prepare the next generation of teachers to be skillful restorative justice practitioners who disrupt educational inequities in classroom and school communities?

AUDIENCE FOR THIS BOOK

As I imagine my audience, I see myself setting a table for stakeholders such as students and their parents; classroom teachers; teacher educators, like myself; restorative justice practitioners; and equity-oriented scholars who might be well-established or emerging, trying to make sense of this practice called “restorative justice” (RJ) and determine whether it has a place in school settings. Around this table I would strategically situate my guests to ensure that no two guests who share the same position or positionality in terms of career, jobs, and so forth are seated next to each other. This communal table would be, for all of us, an opportunity to learn with and from one another. As I envision the participants in RJ circle processes, I imagine the audience for this book to be a group of stakeholders in a circle process that gives them time and supportive space to learn

and unlearn. This book is written with educators in mind—educators being those who engage with children and youth in school settings, in various capacities—and those who shape and influence young people’s minds. This book is also written for those who have the power to change the life experiences of children, through action or inaction—administrators and policy makers at school and district levels who have opportunities to influence policies and practices that impact children and their families. And, finally, this book is also written for my RJ colleagues who train others and facilitate circles but have not taught in schools.

NAVIGATING THIS BOOK

Restorative justice theorists often position restorative justice as a “compass” as opposed to a map. A compass is a tool that offers direction; a map helps one determine the best route. *Justice on Both Sides* seeks to do both: it offers direction for the work of engaging a restorative justice mind-set or paradigm while orienting the reader to youth perspectives. It then outlines several best practices that have emerged from the practice of restorative justice in schools, with the aim of helping readers imagine possible routes relevant to their own context. Chapter 1 describes the restorative justice paradigm and its characteristics. Chapter 2 outlines pedagogical stances for teachers who want to engage in RJ work, emphasizing the need to develop responsible discourses that support teaching and learning communities. Chapter 3 is an invitation to think about RJ work through the perspectives of students who have been trained in restorative justice circle facilitation. Chapter 4 draws from the experiences of a range of educators involved in justice-seeking work—a coach, a school psychologist, a dean of students, a classroom teacher, and an assistant principal. To better capture the arc of RJ work and its nuances, chapter 5 examines the tensions and challenges of restorative

justice in schools and looks specifically at how restorative justice and justice-seeking work becomes the responsibility of women, girls, and people of color. Chapter 6 maps a Transformative Justice Teacher Education (TJTE) agenda, a call to action for preservice and in-service teachers who want to practice justice in their learning communities. Throughout the book, I serve as a paradigm shift communicator, signaling our need for transformative approaches that disrupt inequities in schools while we seek to support all students and educators.