

THE TRANSFORMATIVE NATURE OF RESTORATIVE NARRATIVE JUSTICE IN SCHOOLS

*Every kindness I received, small or big, convinced me that there could never be enough of it in our world. To be kind is to respond with sensitivity and human warmth to the hopes and needs of others. Even the briefest touch of kindness can lighten a heavy heart. **Kindness can change the lives of people...***

Aung San Suu Kyi in her 2012 Nobel Peace Prize acceptance speech

Introduction

Restorative Justice (RJ) in schools is a process that is based on relationships, not rules. The restorative practices that have grown out of Restorative Justice are designed to both teach empathy and respond to conflict by empowering those who cause harm to make things right. By contrast, traditional school discipline practices react to conflict by using punishment to suspend or expel students. This creates a process of banishment that both deprives students of an education and stigmatizes them as being morally deficient.

Restorative Justice, presents schools with both the opportunity and the means to change the punitive paradigm and substitute it with social and emotional practices that address the whole child. True accountability comes about when those who cause harm separate themselves from their harmful behaviors, gain empathy and insights into why harmful acts occurred, and then resolve to make things right. Those who are harmed and those who cause harm are given a voice and an opportunity to heal. This does not happen when suspension or expulsion is the only choice. Punishing suspensions and expulsions breed resentment and negativity. Even when suspension is required by law, Restorative Justice provides the opportunity to assist reentry and reintegration into the school community.

This chapter will explore RJ and the restorative practices used in schools from a narrative perspective and invite teachers, administrators, students, parents, and care givers to help shift the paradigm. The practices that we will examine are restorative circles, restorative conversations, restorative mediations, restorative conferences, and recent advances in neuroscience.

Restorative Justice

The goal of RJ is to create and maintain a caring and supportive school environment. By creating a supportive school climate where students and staff collaborate, harm causing actions are minimized. In responding to harmful acts, RJ uses high levels of caring to heal those who were harmed and high levels of caring to help those who cause harm to be understood, to better understand themselves, and by so doing, to take responsibility for the harms caused. RJ and the restorative practices that have grown out of it represent a paradigm shift in both prevention and response to behaviors that cause harm.¹

We at the Restorative Schools Vision Project (RSVP)² have embraced RJ and developed our own practices that apply the healing and empowering aspects of restorative justice together with the transformative potential of narrative mediation, along with insights gained from the rapidly developing

¹ The modern field of restorative justice took hold in the West in the 1970s with a special debt to the Native people of North America and the Maori peoples of New Zealand. See, Zehr, H. *The Little Book of Restorative Justice* (Intercourse, PA: Good Books, 2002), 11. See also Considine, J. *Restorative Justice Healing the Effects of Crime* (Lyttelton, NZ: Plowshares, 1995), for a description of some of the roots of Restorative Justice found in Maori, Aboriginal Australian, Western Samoan, Celtic and Biblical cultures. For a comprehensive review of restorative justice including its origins and use, see Johnson, G. & Van Ness, D.W.(eds.) *Handbook of Restorative Justice* (Cullompton, Devon: Willans, 2007). For a concise description of restorative justice and practices in the schools see, Amstutz, L.S & Mullet, J.H. *The Little Book of Restorative Discipline for Schools Teaching responsibility; creating caring climates* (Intercourse, PA: Good Books, 2005)

² RSVP is a human rights organization dedicated to fulfilling the promise of education equality by putting an end to what has come to be known in the United States as the school-to-prison pipeline. To do this, among other things, RSVP offers trainings in restorative practices to students, teachers, school administrators, parents, and care-givers. We can be reached at restorativeschoolsproject@gmail.com. Our web site is: restorativeschoolsproject.org

fields of neuroscience and neuropsychology.³ Our purposes are to shift the paradigm from punishment to restoration.

Restorative justice relationships include students, parents, teachers, administrators, care givers, and community. The preventive practices include helping students learn self control and respect for self and others, or more precisely, to see the lines between self and others begin to dissolve. The responding practices are about healing, forgiveness and making amends. First, let's look at prevention.

To prevent harm requires self control and an awareness of how we affect others. This is not always easy for young people themselves exposed to lives of trauma and abuse. An antidote to loss of control is to learn empathy and compassion. This can only be generated in a supportive environment. Everyone makes mistakes. Old habits, fed by insecurity, fear, and anger can help to create a toxic school environment that effects all parties- students, teachers, administrators, and families. In contrast, when we are invited into a caring and supportive environment, maybe for the first time, we

³ Narrative mediation grew out of post-structural communication theory and narrative therapy. See Cobb, S. "A Narrative Perspective on Mediation" in Folger J.P. & Jones, T.S. (eds.) *New Directions in Mediation Communication Research and Perspectives* (Thousand Oaks: Sage, 1994); Winslade, J. & Cohen, R. "Narrative Mediation" (1995) 3 *Waikato Law Review* 81; Winslade, J. & Monk G. *Narrative Mediation A New Approach to Conflict Resolution* (San Francisco: Jossey-Bass, 2001); Winslade, J. & Monk G. *Practicing Narrative Mediation Loosening the Grip of Conflict* (San Francisco: Jossey-Bass, 2008). On the therapeutic origins and development of Narrative Mediation see White, M. & Epston, D. *Narrative means to therapeutic ends* (New York: Norton, 1991); Monk, G., Winslade, J, Crocket, K & Epston, D. *Narrative Therapy in Practice The Archaeology of Hope* (San Francisco: Jossey-Bass, 1997); Madigan, S. *Narrative Therapy in Practice* (Washington, DC: American Psychological Association, 2011). On the use of narrative practices in schools see Beaudoin, N-M. & Taylor, M. *Breaking the Culture of Bullying and Disrespect, Grades K-8 Best Practices and Successful Strategies* (Thousand Oaks: Corwin, 2004), and for a text combining restorative justice with narrative practices in schools, see Winslade, J. & Williams, M. *Safe and Peaceful Schools Addressing Conflict and Eliminating Violence* (Thousand Oaks, CA: Corwin, 2012). For references to neuroscience research applicable to restorative justice, see Hanson, R. *Hardwiring Happiness The New Brain Science of Contentment, Calm, and Confidence* (New York: Harmony 2013), Iacoboni, M. *Mirroring People* (New York: Picador, 2008); Goleman, D. *Social Intelligence The New Science of Human Relationships* (New York: Bantam, 2006); Siegal, D. J. *Mindsight the New Science of Personal Transformation* (New York: Bantam, 2011); Siegal, D. J. *Brainstorm The Power and Purpose of the Teenage Brain* (New York: Jeremy P. Tarcher/Penguin, 2013); Keltner, D. *Born to be Good The Science of a Meaningful Life* (New York: Norton, 2009), and Doidge, N. *The Brain That Changes Itself : Stories of Personal Triumph from the Frontiers of Brain Science* (New York: Penguin 2007).

can begin to see our interconnectedness and need for each other.⁴ Since we are social beings, we would be well served to follow Darwin's observation that "those who have learned to collaborate, and improvise most effectively have prevailed."⁵

To help make this cultural shift, this paradigm shift, we can turn to restorative justice as a framework or scaffolding. Other frameworks, like Social and Emotional Learning (SEL)⁶, and Positive Behavior Interventions and Support (PBIS)⁷ need practices to be implemented. We believe that restorative narrative practices are the most effective way to implement RJ, SEL, and PBIS.

Some practitioners prefer the term Transformative Justice, instead of Restorative Justice, since they believe that many of the students who they work with have no positive way of life to be restored. On an immediate environmental level, in some cases this may be true. However on another more profound level, on an emotional and psychological level, there is evidence that we are hardwired for kindness⁸ and that we are all inherently good.⁹ As restorative practitioners, and as peacemakers, our goal is to

⁴ Reflecting on our interconnectedness, His Holiness the 14th Dalai Lama responds that "We human beings are social beings. We come into the world as the result of others' actions. Whether we like it or not, there is hardly a moment of our lives when we do not benefit from others' activities. For this reason, it is hardly surprising that most of our happiness arises in the context of our relationships with others." His Holiness the Dalai Lama *Ancient Wisdom, Modern World Ethics for the New Millennium* (London: Little Brown and Company, 1999) 65.

⁵ See Cozolino, L. *The Social Neuroscience of Education* (New York: Norton, 2013) 5 quoting Darwin.

⁶ "Social and emotional learning (SEL) involves the processes through which children and adults acquire and effectively apply the knowledge, attitudes and skills necessary to understand and manage emotions, set and achieve positive goals, feel and show empathy for others, establish and maintain positive relationships, and make responsible decision." casel.org See the full web site for a discussion of SEL in schools and the five competencies that can be implemented by RJ to bring about school cultural transformation.

⁷ Positive Behavior Interventions and Support are designed to create a positive schools climate. See pbis.org for a complete discussion of PBIS and follow links for implementing PBIS through RJ.

⁸ Goleman, D. *Social Intelligence The New Science of Human Relationships* (New York: Bantam, 2006) 62.

⁹ See Keltner, D. ,supra at note 4, at 269.

help those who come before us to reconnect to this inherent goodness. This is what transformation is all about.

Restorative Narrative Practices

Like Restorative Justice, Restorative Practices are both preventative and responsive, although all Restorative Practices have a preventative aspect. The two primary preventative tools are circles and conversations.

Circles

Circles level the playing field; everyone is equal. The preventative circle is one where the student gets heard and learns to listen to and understand others. Circles are like jazz, everyone gets his or her turn to shine. Students bring with them to school all their troubles, some of which are traumatic in their nature.¹⁰ A check-in circle at the beginning of the school day gives students a chance to get in touch with their feelings and if difficulties are occurring in their lives, to speak their troubles into existence, to get them out. If the student sees the circle as a safe non-judgmental space¹¹, she feels safe to speak her mind. At first, some students may feel reticent to speak up, but with time and experience, trust builds, and empathy grows. For some students, this may be the first time they have dealt with trouble his way, the first time they felt so supported in their efforts to cope.

In an elementary school where we were facilitating a circle, one student spoke up and said he was unhappy and wanted to go back to the preceding grade. He said that he felt stupid because the math was too hard for him. In response to his concerns, half the class spoke up that they would help him with his math. But for this circle experience, this would never have happened. By using the Narrative Practice of externalization (the person is

¹⁰ See, Brown, P. L. "Opening Up, Students Transform a Vicious Circle," NY Times, April 3, 2013, page A13, for a view of what some students in an Oakland, California High School have to deal with with on a daily basis and how Restorative Practices help students respond to traumatic events.

¹¹ Part of social and emotional learning is to demonstrate mindfulness to our students. At its core, mindfulness is non-judgmental awareness. See Kabat-Zinn, J. *Mindfulness for Beginners* (Boulder: Sounds True, 2012) 1; 17.

not the problem, the problem is the problem)¹² students can not only deal with the problem, like getting support from fellow students, but can also learn how to substitute strength, competence, resolve and other positive emotions or ways of being, for the troubled ones. From a narrative perspective, this can be viewed as separating from the problem story and embracing the preferred story of one's life.¹³ From a neuroscientific perspective, this can be seen as a practice of hardwiring happiness.¹⁴ During a circle facilitated in a third grade classroom, I asked the students: What do you do when you are in a bad mood? One student raised his hand and said: "I thrown my hands above my head and say, 'what a beautiful day'."

Another example of embracing the preferred story of one's life is to ask, either in a circle or a conversation, a student who says that he feels sad because someone yelled at him the previous evening, if anyone showed him any kindness lately. By asking this simple question, the student is invited to rethink his sad mood and remember that he does not have to be dominated

¹² This practice of externalization was given center stage by Narrative Therapists Michael White and David Epston. See White, M. & Epston, D. *supra* at note 3. As a practice in narrative mediation see Winslade & Monk (2001), *supra* at note 2, pages 143-147. As a practice in school discipline see Winslade & Williams, *supra*, at note 3, pages 20-21. As a mind training practice, externalization can be traced back to Atisha, a tenth century Buddhist master, articulated in recent times by Chogyam Trungpa and Norman Fischer. See Trungpa C. *Training the Mind and Cultivating Loving-Kindness* (Boston: Shambhala, 1993), 74, for a discussion of reproach as one of for the five strengths. Trungpa treats ego clinging as a source of unhappiness and suggests we address it as a third person by saying " You have created tremendous trouble for me...This 'you'-who are you, anyway? Go away! I don't like you." and see Fischer, N. *Training in Compassion Zen Teaching on the Practice of Lojong* (Boston: Shambhala, 2013) xii, 73-74, for a similar discussion. From a mindfulness perspective, our narratives of ourselves describe us, however Kabat-Zinn points out that "our lives are simply bigger than thought." Kabat-Zinn, J. *supra* at note 11, page 67.

¹³ See Denborough, D. *Retelling the Stories of Our Lives* (New York: Norton, 2014) 1-6 and Madigan, S. *supra* at note 3, pages 81-86.

¹⁴ See Hanson R., *supra* at note 3.

¹⁵ See Winslade & Monk (2008), *supra* at note 3, pages 81-98 for a detailed discussion of developing an alternative story in a restorative practices conference. The same discussion can take place in a circle, a conversation, or a mediation.

by this mood, and that he is cared for.¹⁵ This positive emotional boost may set the student on a pathway where learning can be maximized.¹⁶

When trust has been well established through repetitive circle practice, circles can also be used to respond to harm causing behaviors and to problem solve. This practice strengthens class cohesion and promotes empowerment.

Conversations

If the above circle practice was not enough to change the student's mood, then the practice of a restorative narrative conversations allows for deeper reflection. This type of one on one between teacher (or administrator or other student) and student, above all, promotes trust and mutual respect.¹⁷ In this practice, the emphasis is as in circles, mediations and conferences always on the mantra that the *person is not the problem, the problem is the problem*. To assist the student to separate himself from the problem, multiple respectfully curious questions can be asked. Questions that mine the student's memory for coping strategies, for examples of successful attempts at conflict resolution, or past demonstrations of patience, resolve, and forgiveness. Here the teacher or other empathetic person assists posi-

¹⁶ See The Collaborative for Academic Social and Emotional Learning "The Positive Impact of Social and Emotional Learning for Kindergarten to Eighth-Grade Students Findings from Three Scientific Reviews" (2008) <http://www.casel.org/library/the-positive-impact-of-social-and-emotional-learning-for-kindergarten-to-eighth-grade-students>, for a meta-research analysis involving 324,303 children, demonstrating that when students are exposed to SEL programs, academic performance improved by 11-17 percentile points. See also The Collaborative for Academic Social and Emotional Learning "The Missing Piece A National Teacher Survey on How Social and Emotional Learning Can Empower Children and Transform Schools" (2013) <http://static.squarespace.com/static/513f79f9e4b05ce7b70e9673/t/526a2589e4b01768fee91a6a/1382688137983/the-missing-piece.pdf>, for research surveying teachers across America who understand that social and emotional learning is critical to student success in schools, work, and life.

¹⁷ See Cozolino, L. *supra* at note 6, page 50, concluding that a dangerous environment and chronic stress turn the brain off to learning however, "On the other hand, caring and supportive others can create a state of body and mind that primes our brain for curiosity, exploration, and learning." The evidence reflects that "the biological reality that we learn better when we are face-to-face and heart-to-heart with someone who cares for us."

tive emotional development, a welcome addition to her usual role of teaching cognitive learning.

Restorative narrative conversations present an opportunity for students to discover the better formed story of their lives and to give them new life. Instead of dwelling on negative stories of her life, she is encouraged to articulate her best story, her story of competency, of courage, and of kindness.

One way to enter into this conversation is to deconstruct¹⁸ the context of events. If the student demonstrates a disrespectful reaction to her teacher, the teacher may simply ask: “what’s going on?” It would not be unusual for the student to respond that, “I’m having a bad day.” Going deeper, the teacher, with permission, may ask, what does “a bad day look like”, or “is there something that has happened in your life recently that has caused you to have a bad day?” This type of respectful deconstructive enquiry may help the student better understand herself and help her isolate the causes of her trouble. In the process the teacher is building a more trusting relationship with the student and helping her get beyond her troubles. The conversation can also reinforce in the student the idea, that whatever the causes of her bad day, by going inward, she can find the resolve to push the bad mood away and remember her best self, the one she truly wants to inhabit. This can be achieved by asking restorative-narrative questions.

The purpose of restorative-narrative questions is to move students away from being part of the problem and move them towards being part of the solution. These are conducted between the students and the teacher, or between student and principal, assistant principal, or restorative co-ordinator.

Following are some examples of restorative-narrative questions:¹⁹

(Asked of a student who often disrupts the classroom)

What name(s) would you give this problem?

Does “disruption” or “acting up” often try to dominate you?

¹⁸ See Winslade J. & Williams M., supra at note 3, pages 22-26 for a detailed discussion of deconstruction.

¹⁹ These questions were prepared by Stella Levy and Richard Cohen for RSVP to use in our trainings.

Can you remember any time that you did not allow disruption to dominate you?

So you do have the strength to not let the problem dominate you?

Who is stronger you or “the acting up problem”?

(Asked of a student who was involved in a shoving altercation with another student in the hallway)

Have you ever wanted to shove someone and just let it pass?

What did you do that helped you overcome “the shoving problem”?

Is this your preferred method of avoiding the problem?

Did somebody teach you this method or did you figure it out on your own?

Do you feel you have the strength to avoid the problem?

What tools have you used in the past to get beyond your conflicts?

Who else in your life knows about your powers of overcoming the problem?

Do you think you could teach others how to overcome this problem?

Is there anything that is getting in the way of your avoiding this problem?

Do you have any allies here at school that could help you in avoiding this problem?

(Asked of a student who demonstrates bullying behavior toward another student)

Can we talk about what is happening in your life?

How would you characterize your greatest caring qualities?

Do you demonstrate these qualities to your family? To your friends?

How did you learn to act this way? e.g., loyal, friendly, helpful

Do you prefer acting like a good guy?

What gets in the way of your acting like a good guy?

It seems like your bullying behavior was out of character for you. Is that right?

It seems like you have the strength to push away the problem of bullying behaviors. Do you agree?

Do you have any ideas about how you will accomplish this?

Will it help if some of your friends remind you when they see the bully problem trying to gain control over you?

Do you want to try to challenge yourself to push the bullying problem out of your life for a week?

Can we check in to see how successful you are at showing the strong and helpful side of you and how you have resisted the influence of that bullying problem?

Thank you for being so honest with me...

In summary, asking respectfully curious questions is the key to developing a caring collaborative relationship. When questions are asked from an external perspective, when we have the courage to deconstruct what is really going on, and when we search with our students and help them remember their strengths and competencies, transformation begins.

Mediations

When matters get to the point where others are harmed, there are two responsive restorative narrative practices that are appropriate. A restorative narrative mediation is appropriate in those situations where two students have fought. The teacher/mediator, after co-creating guidelines (i.e., speak one at a time, make “I” statements, and speak respectfully) asks each student to give his perspective on what has happened. After listening carefully to what is said and reformulating²⁰ what was heard, instead of entering into an extensive “who done it” discussion, the mediator/teacher asks the students how what just happened has affected them. By guiding the enquiry into empathy and understanding, not blame, the message is given to the students that the mediator cares about his feelings. This way of interacting has previously been reinforced by earlier circle or conversation practices. There is usually plenty of blame to go around, but there is no need to address this and start talking about taking responsibility until trust and deeper understandings are first established.

As in all narrative practices, trust and understanding can be established by always focusing on the “problem” not the person. By viewing the problem this way, it is easier for students to begin to take responsibility for the harm caused without making demoralizing self judgments. By leading the students into an exercise that emphasizes his strengths and past abilities to resolve troubles in a non-aggressive manner, he is empowered to take responsibility, again, not out of fear of punishment, but out of the realization that he is capable, and has the resolve and ability to do so.

²⁰ Reformulation is a form of active listening that allows the mediator to begin to develop new meaning or develop a better formed story in collaboration with the parties. See Phillips, B. “Reformulating Dispute Narratives Through Active Listening” (1999) 127 *Mediation Quarterly* 161-180.

Following is an example of a restorative narrative mediation conducted in an elementary school between two 4th and 5th grade boys. They had been suspended by the principal for three days for fighting on the playground. I was asked by the grandmother care giver of the 4th grade boy if I would intervene with a mediation and try to get the suspension reduced. After school, on the first day of the suspension, I set up the mediation between the two boys and invited the principal to sit in and observe.

After establishing some guidelines for proceeding, I asked the 4th grader and bigger of the two boys, Keshawn, to tell us what was going on that day prior to the fight. As a result of prior conversations with Keshawn, I was aware that he was being raised by his grandparents because his father was in prison and his mother had a drug problem. On the morning before the fight, his mother had come to school and had him called out of class to talk to him. She wanted the key to his grandparents flat. Keshawn was under instructions from his grandparents not to give her the key and he and his mom had a quarrel over this. She also took this opportunity to talk to Keshawn about his dad. I asked Keshawn how all this had affected him and he said it caused him to get very upset. I had conducted circles in Keshawn's class and was aware of his history of losing his temper and acting out his frustrations. I asked Keshawn how the fight was affecting him. He said he was feeling bad about it.

When I asked Juan, the 5th grader, what was going on in his life the day before or the day of the fight, he said, not much, but responded that he had been friends with Keshawn since entering elementary school. I asked him if friendship was important to him. He said it was. I asked him how the fight had affected him and he said it made him feel very sad. I also asked him if he was aware of Keshawn's problem with anger, and he said he was, and at times he had helped him calm down. However, on the day of the fight, he said they had been playing soccer at recess and after kicking the ball and hitting Keshawn in the face, Keshawn had come after him and the fight ensued.

I discussed with both boys if they had any experience with alternatives to fighting in past situations where they were hurt or caused harm. Since both had participated in circle training, they both said that they knew there were alternatives, and at times they had both used them, like walking away, talking things through, and going to a teacher for help, but on this occasion they both "lost it". I asked them if they thought "losing it" was a good re-

sponse or if the other alternatives they mentioned were their preferred responses. Both choose the alternatives. I then asked them if they had any ideas on how to handle “losing it” if it occurs again in the future.

What followed was a heartfelt discussion of their needs to keep it together and how each could help each other if they begin to “lose it” again. Since Keshawn had a history of “losing it” more than Juan, I asked Keshawn if he had any other friends who could be his allies and who he could go to if he felt like he was about to “lose it” in the future. He said he did and choose three friends as allies.

The mediation ended by the boys apologizing to each other for the harm they caused each other, agreeing not to let it happen again, and agreeing that they would make it right with each other by being supportive of each other. They also agreed to check in with their teacher in a few weeks to see how things were developing.

After this, the principal agreed to cancel the two remaining days of the suspension. She admitted to the boys and me that she had no idea of the context that led up to the fight, and had she known this, she would not have suspended the boys.

Understanding was achieved by naming the problem (losing it), by deconstructing the problem (the context), and by seeking unique outcomes²¹ (alternatives to losing it). Once deep understanding is achieved, resolution becomes the easiest part.

Conferences

If the level of harm is severe, or repetitive patterns have developed, a more complex responsive practice is called for, a restorative narrative group conference. Here family members and support people are invited to support both the party(s) harmed and the party(s) causing the harm. This conference provides the opportunity for all parties to heal. As in conversations and mediations, by relying on externalizing practices, deconstruction, and mining for unique outcomes, those who caused harm can begin to see

²¹ Looking for unique outcomes is a narrative practice that seeks out those often neglected stories of one’s life or of the relationships that influenced your life, those stories of success, courage, achievement or respectful relationships that are often forgotten or overlooked. See Winslade, J. and Williams M. *supra* at note 3, pages 76-78 for a further discussion of unique outcomes within the school context.

negative behavior, as just that, behavior that exist separate from themselves, like a third person, and they are given permission to separate from that harm causing conduct. These narrative conference practices can be enhanced by drawing two circles representing two pictures of the person causing harm. One circle depicts the harm causing behaviors and their effects on others, and the other circle depicts the strengths of the person causing harm and the effects of his or her strengths on others.²² Each person causing harm is ask to choose which picture best illustrates who he really is, or who he aspires to become. These positive images and behaviors are supported by parents, teachers, coaches, friends or anyone who knows and cares for the students. When those who cause harm are supported, they have an incentive to make changes. In other words, they realize they are not alone in this, and others have their back.

This responsive practice, like all restorative narrative practices, focus on the relational situation where all are respected and listened to, those harmed and those causing the harm. Since the focus is not on blame, nor is the result motivated by fear of punishment, those causing harm are empowered to become part of the solution and true accountability takes place.

The Neuroscience of Accountability

Neuroscience and neuropsychology provide us with a better understand of why troubles happen, and then provide us with the tools to do something about them, to transform troublesome behavior into empathetic and compassionate ways of interacting. We now understand that the brain has a quality of plasticity²³ that allows it and us, with practice, to change from the negative to the positive.²⁴ Our evolving brain has both the tendencies to be defensive and protective, and to be open, caring and compassionate. It has been suggested that our positive responses have evolved like teflon and

²² See The Restorative Practices Development Team, *Restorative Practices for Schools* (University of Waikato 2003) and Winslade J. & Williams M, *supra* at note 3, page 90.

²³ See Doidge, N. *supra* at note 3, at xix, 46-48; Siegel, D. *supra* at note 3, pages 38-44; Cozolino, L. *supra* at note 6, pages 159-163; Klingberg, T. *The Learning Brain Memory and Brain Development in Children* (Oxford: Oxford Press 2013) 144.

²⁴ See Hanson, R. *supra*, at note 3, at pages 10-11 for a discussion of experience-dependent neuroplasticity and our ability to shift our brains directions, and at pages 52-54 for a discussion of turning the brain toward taking in the good. See pages 172-220 for exercises to bring about this shift toward the positive.

our negative reactions have become like velcro.²⁵ Already limited by the immature development of the brain's executive or control functions,²⁶ students who have experienced trauma at home or in their neighborhoods, and who have insecure attachments²⁷ have no difficulty "acting out" or being dominated by fight or flight reactions. However, because of neuroplasticity, this can change.

For example, we can now understand the adolescent years as not simply being impulse driven, and something to get over, but as the first truly creative period of a maturing life. As in narrative practices, emphasizing strengths, not deficits, parents and teachers can help shape positive brain development by appealing to the larger context of the adolescent's life, or as neuroscientist Daniel Siegel suggests: "Encouraging the reflection on values and on gut instinct, not simply the inhibition of impulses, is the difference between turning down a compelling impulse and embracing a thoughtful belief and value."²⁸

Not only is the brain malleable, but with the discovery of mirror neurons,²⁹ it is now understood that teachers who have a well developed sense of calmness and compassion, can project a caring, empathetic, and compassionate attitude to their students, and can respond to them with understanding, instead of anger and frustration. Modeling positive behavior, as a part of social and emotional learning, is the key to school cultural transformation. Teachers hold the keys to transformation of student's brains that have been turned off by neglect and negative experiences. Cozolino reflects that "...teachers literally build new brain structures that turn their students on to learning."³⁰

²⁵ See Hanson, R. supra at note 3, pages 25-27, for what he considers an evolutionary process.

²⁶ see Klingberg, T. supra at note 17, pages 17-20 for a discussion of the maturing brain.

²⁷ See Cozolino, L. supra at note 6, page 57 for a discussion of insecure attachment and trauma and how "This may help us to be a bit more understanding of difficult students. What looks like disobedience usually masks anxiety, fear, and emotional dysregulation."

²⁸ Siegel, D.J. supra at note 3 in *Brainstorm*, page 81.

²⁹ See Iacoboni, M. supra at note 3.

³⁰ Cozolino, L. supra at note 5, page 40.

With the tools and understandings learned from restorative narrative practices, mindfulness training,³¹ and now neuroscience, teachers can help their students shift out of their old velcro like habits or harmful neural pathways and transform them into new neural pathways lined with positive thoughts, emotions and behaviors. What we do today will determine what happens tomorrow.

Instead of “reacting”, students and teachers together can learn and practice “responding”, responding to insults, disrespectful, and bullying behaviors with respectful enquiries. For example, a teacher or student can respond to negativity by expressing what may be his or her true emotion of hurt or sadness, instead of the reactive emotion of anger and impatience, and then, proceeding further, ask respectfully curious questions such as: can you help me understand why you said or did that, or are you all right today, is something else going on? These types of respectful responsive questions are disarming to the one causing harm. They model a relational way of interacting that gives the one causing harm the opportunity to think deeper about his or her actions or words and thoughtfully respond, not react. New meanings emerge from these collaborations.

Accountability follows true understanding, including social and emotional understanding. When students begin to see that their relationship with negative behaviors is the problem, not their “selves” as the problem, and when others respond to these negative or hurtful actions with an expressions of understanding, instead of punishing anger, followed by an honest and respectful questioning of motives, as well as questions designed to cause the student to remember his or her better self, positive mirror neurons are activated and the opportunity to change courses from the reactive to the responsive is reinforced.

This takes patience and practice, as does learning to read or remember the multiplication tables. To practice peace-making requires being peaceful and requires teachers, students, and administrators to go within and be peaceful. Just as we all need to work on our physical fitness, we all need to work equally on our internal fitness. This is a never ending process, but one that is required if we are to get beyond our reactive reliance on suspensions

³¹see Kabat-Zinn, J. supra at note 11, page 26, for a discussion of how mindfulness (non-judgmental awareness) can become our default position for students, teachers and administrators to regain emotional balance. Kabat-Zinn concludes, at page 117, that one can come to the realization that mindfulness is a way of being.

and expulsions to solve discipline issues. This process requires mutuality, or as Fischer puts it, “Dealing with others is dealing with ourselves dealing with others.”³²

If we are to make a dent in the school-to-prison pipeline and school pushout,³³ we, the teachers and administrators, must open up ourselves to new learning. Teaching the whole child or whole student requires becoming a whole person or as Gazzaniga opines: “Responsibility and freedom are found, however, in the space between brains, in the interactions between people.”³⁴

Conclusion

We at RSVP see Restorative Justice as a human right. It is a secular ethical approach to conflict prevention and resolution. It is not just another program that comes in a box- it represents a paradigm shift in school discipline that implements systemic change.

We now know that to educate (derived from Middle English, to rear, and from Latin to lead forth)³⁵ requires much more than cognitive learning, it requires social and emotional learning to be initiated and developed.

The brain is a thinking and feeling organ. We need to learn to ask the right questions, to model respect and to become the peaceful person we expect our students to be and become. This is not a teacher issue, but a whole school and whole community issue. Community is not simply important, it is essential.

³² Fisher N. *supra*, at note 9, page 98.

³³ Zero tolerance approaches to school discipline have been a failure in the United States and because the resulting use of suspensions and expulsions have had a disparate effect on students of color, the Federal government leaders in the Department of Education and the Department of Justice are now calling for a shift in focus from harsh school discipline practices that have caused a nationwide suspension epidemic to prevention and support. See (Jan. 2014) <http://www2.ed.gov/policy/gen/guid/school-discipline/guiding-principles.pdf>

³⁴ See Gazzaniga, M.S. *Who's In Charge? Free Will and the Science of the Brain* (New York: Harper-Collins, 2011, at page 137.

³⁵ *The Compact Edition of the Oxford English Dictionary* (New York:Oxford University Press 1971) 833.

Just as cognitive learning is a lifetime endeavor, so also in social, emotional and inner peaceful learning a lifetime endeavor. A school culture that values curiosity, critical thinking, and the promotion of a respectful, caring and compassionate environment is a culture that is prepared to teach the whole child, or in the words of the UN Convention on the Rights of the Child: “States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child’s human dignity....”³⁶

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³⁶ Human Rights Resource Center and Minnesota Advocates for Human Rights *the UN Convention on the Rights of the Child* (Minneapolis: Human rights Resource Center 2006) Article 28, 2.