

Restorative Justice as Practiced in School:

A Study of an Inclusive School's Approach in Developing the Socio-Emotional Skills of Children with Special Educational Needs

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Abstract—*Creating a safe, nurturing, relational, and positive school-wide culture has always been challenging even in schools for regular children. With the pervading framework and principles of traditional punitive measures in school policies and culture, practicing a different philosophy is extremely difficult especially in schools catering to children with special needs. In the Philippines, Restorative Justice practices have just been introduced in the Local Government Units and agencies but have yet to be implemented in schools. However, MindHaven School has been practicing Restorative Justice (though under a different name) since 1993 through its Inclusive Program. Restorative Justice has always been a critical component in the school's Socio-Emotional Program for children both with and without needs. As a result of this Socio-Emotional Program, positive relationships and significant growth and development have been observed especially in children with needs and a collaborative and responsive culture has been created in the school. This study particularly seeks to answer the following questions regarding practicing Restorative Justice in a school for children with and without needs: 1. What processes are involved and what roles do the children take on? 2.) What incidents or issues in school particularly demand its observance? 3.) What socio-emotional skills do the children develop through it? 4.) What innovative teaching approaches are needed to implement it? and 5.) What are the perceptions of the involved stakeholders?*

Keywords—*restorative justice; reconciliation; relationships; non-punitive; mediation and agreement; collaborative healing; accepting responsibility; making amends; restitution; socio-emotional development; socio-emotional skills; inclusive school; inclusive program; children with needs*

I. INTRODUCTION

"If a child doesn't know how to read, we teach. If a child doesn't know how to swim, we teach. If a child doesn't know how to multiply, we teach. If a child doesn't know how to drive, we teach. If a child doesn't know how to behave, we... teach? ...punish? Why can't we finish the last sentence as automatically as we do the others." [1]

Our legal system's outcome is punitive justice. Punitive justice asks only what rule or law was broken, who did it, and how they should be punished. It responds to the original harm with more harm. Restorative justice asks who was harmed, what are the needs and obligations of all affected, and how do they figure out how to heal the harm. [2]

Schools today are more frequently using punitive discipline practices to control student behavior, despite the greater effectiveness of community-building techniques on compliance that are based on restorative justice principles found in the criminal justice system [3]. Kalimeris and Borrelli found that traditional suspensions generally occur in the absence of interventions that focus on developing more appropriate pro-social responses to situations. They also found that the use of the traditional approach to suspension hampers, rather than improves safety [4]. Using suspensions and expulsions can perpetuate the behaviors they attempt to punish. As most suspended students left unsupervised would have been behind in their coursework and when they returned would have had a hard time catching up and more likely to drop out by 10th grade or expelled. Their chances of being incarcerated later in life would have tripled going towards school-to-prison pipeline [5].

II. RESTORATIVE JUSTICE: BACKGROUND

A. The What

Zehr has identified the participants and goal of restorative justice in simple terms: "Restorative justice is a process to involve, to the extent possible, those who have a stake in a specific offense and to carefully and to collectively identify and address harms, needs, and obligations, in order that one put things as right as possible" [6]. One way to understand restorative justice is explore the implications of three central concepts or pillars: harm and needs, obligation (to put right) and engagement (of stakeholders) and in effect Restorative justice requires, at minimum, that offenders address victims' harms and needs, hold offenders accountable to put right those harms, and involve victims, offenders and communities in this process [7].

B. The Who And The How

The “who” and the “how” is important. Contrary to the our legal system where professionals and mediators stands in for the offender and outcomes are imposed by an authority law, judges, or juries who stand outside the essential conflict and victims, community members, even offenders rarely participate, restorative justice usually prefers processes that are collaborative and inclusive and, to the extent possible, outcomes that are mutually agreed upon rather than imposed. The key stakeholders, the “who”, of course, are immediate victims and offenders and in some cases members of the community.

C. Restorative Justice: Philippine Setting

In the Philippines, Restorative Justice practices have just been introduced in the Local Government Units and agencies as well as in schools but visible application, output and researches on effectiveness has yet to be undertaken. The Parole and Probation Administration (PPA) is empowered to create innovative policies, programs, and activities to facilitate the reintegration of its clientele into the mainstream of society and consequently prevent the commission of crime adopting Restorative Justice as one of its rehabilitation programs which utilizes restorative processes and aims to achieve restorative outcomes. [8] Jeza Mae Sarah C. Sanchez, Administrative and Legal Officer of the Office of the Chief, Bureau of Jail Management and Penology, Philippines, in her Overview of the Philippine Juvenile Justice and Welfare cited Restorative Justice as a concept of opposed to retributive justice introduced by R.A. No. 9344. In the Legislative level, Senator Gordon’s proposed Senate Bill 2195, or “Community Service Act,” seeks to decongest the current jampacked Philippine jails and promote restorative justice by authorizing the court to require community service in lieu of jail sentence for offenses punishable by “arresto menor” and “arresto mayor.”

D. Local Level at MindHaven School

However, MindHaven School has been practicing Restorative Justice (though under a different name) since 1993 through its Inclusive Program. Restorative Justice has always been a critical component in the school’s Socio-Emotional Program for children both with and without needs evidently showcased by our “Bata Mo, Bata Ko” Socio-Emotional Learning Program. “Bata Mo, Bata Ko” is a Filipino saying which translates to “Your child is my child”, harkening to the adage that that it takes a community to raise a child. The main objective and goal of this Socio-Emotional Learning Program is to provide a quality sequential and developmentally appropriate curriculum (for toddlers to primary school age) in Socio-Emotional Learning that develops self-awareness, self-management, social awareness, relationship skills under which conflict resolution or restorative justice practices are observed, and responsible decision-making and which addresses inclusivity (especially of children with disabilities and from poor families) and sustainability with significant collaboration of the school, families, and community.

As a result of this Socio-Emotional Program, positive relationships and significant growth and development have been observed especially in children with needs and a

collaborative and responsive culture has been created in the school.

MindHaven has a groundbreaking, change-making, impactful school program that is geared towards Sustainable Development and promoting true inclusion. MindHaven’s “Whole Child, Whole School, Whole Community” Inclusive Program has been achieved through decades of creative thinking and meaningful and purposeful innovation, such as our Triad Socio-Emotional Functional Program.

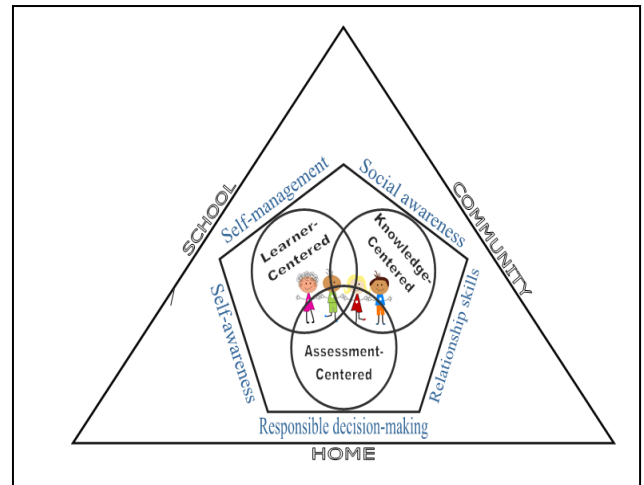


Fig. 1. The diagram sums up our programmatic approach and program design, has been adapted from Perspectives on Learning Environments and incorporates the Social and Emotional Learning Program of the 2012 Educators for Social Responsibility (Cambridge, MA) to serve the purpose of the school-wide program with Socio-Emotional Learning at its center.

The children are at the heart of the program. The three overlapping circles signify the kinds of environment we foster school-based, home-based and community-based.

This study particularly seeks to answer the following questions regarding practicing Restorative Justice in a school for children with and without needs: 1. What processes are involved and what roles do the children take on? 2.) What incidents or issues in school particularly demand its observance? 3.) What socio-emotional skills do the children develop through it? 4.) What innovative teaching approaches are needed to implement it? and 5.) What are the perceptions of the involved stakeholders?

III. METHODOLOGY

A. Research Design and Data Collection Procedure and Analysis

The data of this qualitative research was collected through in-depth and semi-structured interviews with study participants, on-site observations, focus group discussions, IEP meetings, journal and portfolio explorations, and document and archival explorations. All these methods were used to craft communal and substantive accounts grounded on the stories of those who were deeply involved in the school’s inclusive education program. The researchers analyzed the data using Creswell’s analysis in an ethnographic way and were engaged in the process of moving in analytic circles that

go spirally upward, a process that allows one to produce a continually more detailed analysis [9]

B. Setting

This study took place in MindHaven School Inc. is a small, not-for-profit, inclusive private school offering Pre-School and Grade School education services that earned government recognition in 1997, the same year that it offered Special Education services for the first time, starting with one child with autism and in 2007, the school's Elementary Level gained government recognition. The school "Whole Child, Whole School, Whole Community" Inclusive Program is a brain-based, research-based, evidence-based, practice-based, activity-based, play-based inclusive curriculum which incorporates and integrates principles from the latest in education research such as, among others, Multiple Intelligences Theory, Whole-Brain Learning, Learning Styles, Socio-Emotional Learning, Multi-Grade Program, Education for Sustainable Development, and Environment- Based and Culture-Based Education, eventually resulting in a developmentally-appropriate holistic program tailored to each child's uniqueness while cultivating him/her intellectually, emotionally, spiritually, physically, and socially. Lessons, activities, and programs are designed for children to use their creativity while developing their imagination, dexterity, tenacity, compassion, critical thinking, problem-solving skills, and physical, cognitive, and emotional strengths.

IV. FINDINGS

A. Process and Roles of Children With or Without Needs in Restorative Justice Practice

1) Parent Education Program (PEP)

Transformative mindset strategies through explicit teaching delivered for parents and caregivers for consistent, preventive, trust-building and collaborative implementation of school-home-community programs.

PEP in school - empowerment and capability building through Parent Education Program sessions and caregivers training are held not less than ten times in one schoolyear

PEP at home - observance of Parent Education Program trainings and Socio-emotional process is monitored and evaluated through our scheduled feedback sessions.

2) Set-up "Roots of Empathy" classroom through SE corners in every room focusing on emotional literacy, perspective taking, participatory democracy, creating a structure for mediation, peacemaking and role modeling. Children who have reached the stage of "graduated prompting" in their constant practice of restorative justice in this triad set-up are encouraged to take responsibility and accountability in maintaining roots of empathy classroom by implementing restorative justice practices [10].

3) In the community, consistent and systematic direct and indirect development sessions are held.

The parents', caregivers', and professionals' competence are strengthened to foster meaningful involvement in the children's holistic development (academic

and socio-emotional). Parental functions are supported and empowered by increasing family engagement in collaborative practice of Socio-Emotional Learning Program in varied Restorative justice practices through "Anytime, Anywhere" Learning principle. Parents are trained to practice Restorative Justice among themselves like restorative chats and conversation circles.

B. Incidents or Issues in School that Particularly Demand its Observance and Developed Socio-emotional Skill of Children With or Without Needs

In school, conflict arises in any part of the school as long as there is the presence of children. And conflicts range from simple standing in line, to sharing of toys to peer rejection. These incidents are due to factors reflected in his neurodevelopmental profile such as in a child with autism, or intentional due to inadequacy of developmentally appropriate Socio-Emotional skills.

Generally, the restorative justice practices help children develop their developmentally appropriate socio-emotional skills such as self-awareness, self-management, social awareness, relationship skills, and responsible decision-making. However, for children with needs the process of developing the skills has to be substantially based on data, personally planned for each child's needs, frequently monitored, assessed and evaluated at home in school and in the community.

Involving them in each step of restorative justice practices gave them the opportunity to identify or label their feelings, practice self-regulation skills to use acceptable words and respond appropriately to the situation, practice relationship building skills, and began to take responsibility in their choices. From these, they also develop intellectually as they problem solved, starting to critically analyzed, about incidents that they were involved in. In the last analysis, the most important learning is applying what they learn inside the classroom to outside and general situations.

C. Teaching Approaches Of Restorative Justice Practices On Children With And Without Needs

1) Teachers foster learner -centered environment.

A learner -centered environment is a preventive system intersecting in the above-mentioned three process which takes into consideration the biological and developmental root cause of harmful and aggressive behavior in the classroom which guides the teachers in preventive steps even before the students acting out such behavior. This respects the uniqueness of each child, as reflected in his neurodevelopmental profile.

2) Visual Images in Socio-Emotional Corners

Each classroom Physical set-up has a Socio-emotional corner with emotion cards, visual aid on conflict resolution, classroom rules, Anger zone/management visuals and Voice meter.

3) *Teachers as One Collaborative workforce*

"In my 4th Grade class having 40% students with need, we see to it that I, as an inclusive teacher, meets with the Special Education Teacher or the Pre-vocational Teacher to discuss the program of my student....."

-Teacher A

Teachers become one collaborative workforce rather than traditional Individual Fragmented teachers. This approach turns teacher's individual responsibility in dealing problem behavior into a school -wide communal & collaborative practice.

4) *Modeling and Practice Cycle*

Restorative justice practices are best taught through modeling and practice – at home, in school and community. Modeling and practice can also be manifested in social stories, in the school's weekly activities. One example of this activity is the August "Adopt-a-friend Day" activity where our students invites daycare kids to spend half a day in our school. This annual activity will show different kinds of conflicts like sharing, hitting and taking turns which they must resolve through restorative justice practices before going home.

5) *Creative Dramatics and Children's Theatre: An Effective Vehicle in Resolving Conflict through Restorative Justice Practices*

Creative dramatics is an essential part of our Socio-Emotional Learning program that offers an avenue for all children with or without special needs of self-expression and self-exploration. Oftentimes, the literary scripts and drama characters best portrayed weaknesses in need of intervention. Conflict resolution therefore can be presented in an impersonal note as lesson to be learned by the general body.

D. Stakeholders Perceptions on Restorative Justice Practices

"As the offender I'm given the opportunity to be courageous in admitting my mistakes and be responsible with my actions and accountable to my classmates. I appreciate that there is a venue to voluntarily engage in discussions which can help me understand my unacceptable behavior and learn to regulate my impulses." – Student A

"I am confident that students would know how to peacefully resolve their conflicts because most often they come to me, ready with their agreed resolutions or recommendations." – Teacher C

"When conflicts arise between staff, and students or teachers and students the same appreciative inquiry guide questions are followed which sets a pattern in maintaining the school- wide Culture of Peace & Restoration". - School Staff

"I have to be open to learn new set of skills which I'm not familiar with but which I know are responsive to the needs of my child, to unlearn traditional concepts which are counter- productive to his growth, to relearn what would facilitate our learning as members of a collaborative community." – Parent A

Students felt safe and secured when their issues and concerns are processed with persons involved - from inquiry to problem solving - culminating in restoration with recommended actions to make things right, as articulated by this student with learning disability:

Teachers staff and parents found the process beneficial to classroom management since the students become their partners in preventing conflicts, lessen aggressive tendencies became mediators and peacemakers. It saves their time and energy from reacting to on the spot issues and focuses more on other priorities.

The time invested in the acquisition of SE skills modeling and coaching of Restorative Justice practices like conversation circle to maintaining and generalizing of skills in outdoor activities is more than compensated when they feel and see that in resolving issues, students are mediating with compassion and empathy as they end up with the resolved to be more understanding and forgiving but not tolerating one's offenses.

V. CONCLUSION

Today's problems and challenges from the macro to the micro level are intensively becoming more interdependent and interconnected that it is reflected even in a school with small population like MindHaven School Inc. The complexities of these challenges can be felt in the culture and atmosphere that prevails in the school community especially among the students themselves, and between teachers and students. One of these critical challenges is maintaining peace in school.

This study revealed that although facts and experience show that conflicts are a natural and healthy part of all relationships starting from home to school & to the bigger community. However, responding to conflicts positively and productively takes significant transformation from traditional mindset to what the young of today deserves-a Progressive, Inclusive school program that demands collaborative and intensified commitment of time, practice, and support from all stakeholders to implement a Restorative Justice practice under its Socio-Emotional Learning Program .Through institutionalization of Inclusive policies , the teaching of Restorative justice practice in MindHaven School reinforced the skills to successfully resolve conflicts with educators , parents , caregivers and students playing a critical role in unleashing children's natural talents as problem solvers even in cases of students with needs. The practice was utilized in teaching peace education as holistic and it tries to address the cognitive, and non - cognitive dimensions of all learners in contrast to the traditional concept which focuses only on intellectual development.

It is through this program that stakeholders developed needed socio –emotional concepts, knowledge and skills to create and nurture individual, group and communal peace. The sheer magnitude of program implementation required all of us to work together showing that efforts towards peace and reconciliation can only succeed with a collective approach built on connectedness, trust, courage, dialogue, collaboration hope & faith.

Both overt and structural changes facilitated the process of transferring and promoting the knowledge, skills, attitudes and values needed to bring about perspective and behavioral transformation that enabled both the children, and adults to prevent conflict and violence, but even if there were issues and concerns, these were resolve peacefully; creating the conditions conducive to peace, whether at an interpersonal, interclass, or multi grade level. The engagement of the students gave emphasis to the realization of the schools advocacy for “STUDENT’s VOICE” critical to its successful implementation.

These were the elements that built a solid foundation & grand alliance for a culture of peace amongst all, particularly with the proactive involvement and participation of the students with & without needs which serves as model for all to see and emulate that IT CAN BE DONE- as the concrete expression of its culture “BATA MO, BATA KO,BATA NATON TANAN” (Your child is my child and is everybody’s child).

Establishing the program overcame so many challenges but it does not stop there. Sustaining a culture of peace is a continuous journey of conflict transformation as it has to be seen as the essence of a new humanity, a new global mindset with empathy and compassion based on inner respect for uniqueness, embracing oneness with people & nature and acceptance of diversity. The flourishing Restorative Justice practice in MindHaven School is the continuum of its hope to establish a program to mold the next generation leaders to be BEARERS of a culture of peace that will continue to generate the mindset in us that is a prerequisite for the transition from punitive justice of force to reason and dialogue, from conflict, detachment and violence to voluntary dialogue, forgiveness, restoration and peace. Once sustained, the Restorative Justice

practice in school will be embedded in the community’s Culture of Reconciliation and Peace providing the bedrock of support to a deeply humane, strong, caring, progressing and prospering world for human beings to live in.

YESTERDAY, MindHaven School embraced the challenge of resolving conflicts & planted the seed of Peace. TODAY, we are sustaining and nurturing a culture of peace. TOMORROW, MindHaven School’s PEACEMAKERS have to be seen, heard, and felt in building peaceful communities. Let’s give PEACE A CHANCE!

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