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Covenant: An Exploration of Restorative Justice in the Los Angeles Unified School District

Isaac Cardenas

This work evaluates the extent to which the Los Angeles Unified School District is committed to youth through the exploration of restorative justice. I first establish a theological framework for this assessment by utilizing Jonathan Rothchild's journal entry where he discusses the value Jesus assigns to children. Thereafter, I apply Amy Vatne Bintliff's book where she describes how she addressed the needs of students who lacked palpable connections with their school through a restorative justice program. In addition, I repeatedly analyze reports collected by the Los Angeles Unified School District to highlight how they have failed to properly nurture their students. I also support the theological nature of this exploration by referencing Thomas Noakes-Duncan book, which frames restorative justice through the perspective of ecclesial ethics. While Rothchild, Bintliff, and Noakes-Duncan work is focused on the criminal justice system, I believe the wisdom within their work can be transferrable to the institution of education.

Having said that, I would first like to establish a framework that highlights the theological value of children. Jonathan Rothchild writes that "Jesus's hospitable encounters with children reveal his vision for children as the inheritors of the Kingdom of God: children's participation in God's reign comes in and through their own vulnerability."¹ Although Christianity considers humanity to be created in the *imago dei*, or image of God, Rothchild posits that this dignity is especially endowed unto children.² This notion is expressed in Matthew 18:1-5, where a disciple asks Jesus, "Who is the greatest in the kingdom of heaven?" Jesus responds not only by identifying children as the greatest in heaven, but also by radicalizing their status: "whoever welcomes one such child in my name welcomes me." If scripture suggests that youth are amongst the most Christ-like in society, then we must fulfill our vocation to advance their quality of life.

We have neglected this call. As I hope to show, criminalizing youth through disciplinary practices, such as suspension, disregards the compassion Jesus extended to children. Moreover, Rothchild reminds us that Jesus did not perceive children as "underdeveloped adults;" instead, Jesus' example beckons us to treat children beneficently since they are distinct from adults by "virtue of their physical, psychological, and cognitive vulnerability."³ Therefore, we should commit to our vocation of honoring the heirs to God's kingdom by "protecting and nurturing children into an open future."⁴ This type of stewardship is best captured within student-teacher relationships, wherein adults should be assisting youth in their holistic development. However, my data suggests that these relationships have not only been jeopardized, they have been completely discarded and we must work to restore them.

Among those working to restore children's potential is a Midwestern-based educator,

¹ Jonathan Rothchild, "Childhood without Life, Life without Childhood: Theological and Legal Critiques of Current Juvenile Justice Policies," *Journal of the Society of Christian Ethics* 33, No.1 (2013): 83-103.

² *Ibid.*, 86.

³ *Ibid.*, 86.

⁴ *Ibid.*, 92.

Amy V. Bintliff. In her book, *Re-engaging Disconnected Youth*, she focuses on the lack of “school connectedness” students feel as a result of superficial student-teacher relationships.⁵ For example, students noted that youth often felt like “they were just a number to their teachers.”⁶ Bintliff’s book chronicles her process of creating a restorative justice program that fosters opportunities for both students and teachers to better understand one another. However, there is no purpose of exploring Bintliff’s work unless it has the potential to reform Los Angeles’ public school system. To further show the need for an implementation of a restorative justice curriculum in the Los Angeles Unified School District (LAUSD), I will analyze their school survey reports.

LAUSD annually surveys their student, parent, and teacher populations to gauge feelings of opportunity, safety, collaboration, etc. These reports are available to anyone who has an internet connection.⁷ I analyzed their middle and high school reports from 2008 to 2014 and discovered a trend in the level of disconnection youth felt to their adult counterparts. My methodology is to illustrate the difference between the 2008 report and 2014 by looking at the average student response to the following two prompts: 1) adults at this school know my name, and 2) I can go to someone at this school if I need help with a personal problem.⁸ In 2008, 72% of the approximate 78,000 surveyed middle schoolers agreed with both prompts 1 and 2.⁹ However, in 2014, only 53% of about 82,000 surveyed middle schoolers agreed with prompt 1, and only 62% of them agreed with prompt 2.¹⁰ This comparison shows that in a span of six years, middle schoolers in LAUSD reported a 19% decline in the number of adults who knew their name (prompt 1), as well as a 10% decline in the ability to confide in an adult (prompt 2). These feelings of disassociation are also echoed in the reports of high school students.

Approximately 56,000 high schoolers were surveyed in 2008, and about 75% of them agreed with prompt 1 whereas 69% agreed with prompt 2.¹¹ In 2014, about 98,000 high schoolers were surveyed, 58% of whom reported that they agreed with both prompts.¹² Looking over this six year period, youth in LAUSD high schools reported a 17% and 11% drop for prompts one and two, respectively. Collectively, these statistics suggest that children enrolled in public middle and high schools are experiencing alienation from adults who are morally obligated to protect and nurture them. Though my comparison does not account for factors like the influx of students within LAUSD schools, it does show a need for implementing a program that would reconnect students and teachers. Interestingly, in 2015, LAUSD altered their surveys to focus on

⁵ Amy V. Bintliff, *Re-engaging Disconnected Youth* (New York: Peter Lang Publishing, 2016), 46.

⁶ *Ibid.*, 62.

⁷ To find LAUSD school survey reports organized by school level, district, and year visit: <http://reportcardsurvey.lausd.net/surveys/reports.jsp>.

⁸ I chose to only include the stark comparison of 2008’s report to that of 2014’s since it most clearly illustrates the amount of disconnection students associated with their teachers.

⁹ LAUSD, *Results of the 2008-09 School Experience Survey for Middle Schools*, [Reportcardsurvey.lausd.net](http://reportcardsurvey.lausd.net) (2009), 6, accessed April 1, 2018.

¹⁰ LAUSD, *Results of the 2014 School Experience Survey LAUSD Middle Schools*, [Reportcardsurvey.lausd.net](http://reportcardsurvey.lausd.net) (2014), 2, accessed April 1, 2018.

¹¹ LAUSD, *Results of the 2008-09 School Experience Survey for High Schools*, [Reportcardsurvey.lausd.net](http://reportcardsurvey.lausd.net) (2009), 6, accessed April 5, 2018.

¹² LAUSD, *Results of the 2014 School Experience Survey LAUSD High Schools*, [Reportcardsurvey.lausd.net](http://reportcardsurvey.lausd.net) (2014), 2, accessed April 4, 2018.

the extent to which students felt academically supported by their teachers. This characteristic was also present in the 2016 school survey reports and might depict LAUSD's prioritization of academic encouragement over personal connection amongst students and teachers.¹³ This factor further validates my suggestion for LAUSD to invest in restoring former feelings of connection within student-teacher stewardship.

Now that we have observed the state of disassociation felt by LAUSD students we can reconsider Bintliff's *Re-engaging Disconnected Youth*. Bintliff posits "the basic idea of restorative justice is that people need to learn to live in community with one another even after wrongdoings are committed."¹⁴ Theologically speaking, LAUSD has wronged the youth they serve by failing to extend Christ-like compassion to their student body, thus allowing feelings of disassociation to grow over the past decade. Additionally, labeling youth as misbehaving perpetrators and teachers as victims of student wrongdoing is unethical, for this criminalization depends on one disregarding children's cognitive vulnerability. I would like to expand the significance of Bintliff's notion of restorative justice by coupling it with a statement Pope Francis made when he visited the Curran-Fromhold correctional facility.

Francis said, "Jesus comes to meet us, so that he can restore our dignity as children of God."¹⁵ In this way, restorative justice awakens both adults and youth to the realization that they are all simply children in need of healing. Therefore, introducing a spiritual face to the work of restorative justice eliminates the power differences among students and teachers. In other words, by perceiving both students and teachers as God's *children*, both can begin to understand one another on a level plane. Bintliff promotes this type of restorative dialogue through *Talking Circles*. "The Circle comes from problem-solving techniques that were used in indigenous communities."¹⁶ The purpose of the Talking Circle is to bring together whoever has been involved in a situation of pain. This pain could be between two students who fought during lunch, the teacher of a student who misbehaved during class, or even two teachers with opposing views; all six of these individuals would come to the circle.

A facilitator would open the circle with a prayer or poem and then pass a talking piece to the person on either side of them. This item "is meaningful to the community, [and it can be] a natural object such as a shell, rock or feather."¹⁷ The talking piece augments the Talking Circle as a sacred space, and only the individual holding it gets to speak. "The talking piece means that no one is ever interrupted, even if the person speaking is wrong."¹⁸ This type of environment empowers deep listening and honest compassion by allowing every person to openly share his or her vulnerable narrative. Bintliff observed that the Talking Circle reignited student-teacher

¹³ LAUSD, *Results of the 2016 School Experience Survey LAUSD High Schools*, [Reportcardsurvey.lausd.net](http://reportcardsurvey.lausd.net) (2016), accessed April 4, 2018; and LAUSD, *Results of the 2016 School Experience Survey LAUSD Middle Schools*, [Reportcardsurvey.lausd.net](http://reportcardsurvey.lausd.net) (2016), accessed April 6, 2018.

¹⁴ Bintliff, *Re-engaging*, 48.

¹⁵ Pope Francis, *Visit to Detainees at Curran-Fromhold Correctional Facility: Address of the Holy Father* (Vatican City, Italy: Libreria Editrice Vaticana, 2015), 1, accessed April 5, 2018, https://w2.vatican.va/content/francesco/en/speeches/2015/september/documents/papa-francesco_20150927_usa-detenuiti.html.

¹⁶ Bintliff, *Re-engaging*, 57.

¹⁷ *Ibid.*, 60.

¹⁸ *Ibid.*, 61.

stewardship by giving teachers “some knowledge of children’s lives outside of the realms of paper-and-pencil work.”¹⁹ The circle also restores everyone’s childlike nature by “facilitating feelings of friendship [and] enhancing trust.”²⁰ Moreover, those who participated in this restorative practice said that their spirits felt rejuvenated.²¹

Talking Circles and other forms of restorative justice have also caught the attention of theologians like Thomas Noakes-Duncan. Noakes-Duncan analyzed restorative justice techniques through the framework of ecclesial ethics in his book, *Communities of Restoration*. His work is significant as it describes how Talking Circles are “deeply congruent with Christian conviction.”²² He also acknowledges that this restorative method originates from indigenous traditions, yet he references the apostle Paul by perceiving circles as the perfect environment where individuals can “recognize how everyone has gifts that are essential for the common good.”²³ One of Noakes-Duncan’s paragraphs, which calls to mind the theological nature of Talking Circles, explains that circles assist in developing relational covenants [that] emphasize the relational nature of our understanding of how we should be treated in community, and recognize that this relationship with each other is embedded in the covenant God has made with God’s creation. The covenant expresses our greatest values and gives us a structure in which we can address relational brokenness. As people called to imitate God, the covenant is one that we continually and lovingly work to restore when it is broken. This understanding significantly affects how we react to breaches of the covenant.²⁴

If we are all children of God, then we are called to uphold a relational covenant where compassion is prioritized above everything else. God loves and understands God’s creation, and similarly, Talking Circles enable individuals to empathize and comprehend one another. Although our perception of justice often entails discipline, Noakes-Duncan calls for a reformation of this notion through restorative practices that address relational brokenness. This belief coincides with Bintliff’s, since she viewed crime not as doing “wrong,” but rather as a “violation of people and relationships.”²⁵ Noakes-Duncan understands our covenant between God and ourselves as a vocation that should inspire us to tirelessly mend broken relationships. Above all, he allows this covenant to inform the social practice of restorative justice.

Noakes-Duncan posits that “the first Christians experienced in Christ, and lived out in their faith communities, an understanding of justice as a power that heals, restores, and reconciles rather than hurts, punishes, and kills.”²⁶ This new testament type of justice is lacking in our modern society. Unfortunately, Noakes-Duncan reserves this reconciliatory mission to faith leaders within the church. I argue that it is imperative that we destroy this boundary and galvanize all institutions to abolish punitive forms of justice. Developing relational covenants in

¹⁹ *Ibid.*, 64.

²⁰ *Ibid.*, 68.

²¹ *Ibid.*, 61.

²² Thomas Noakes-Duncan, *Communities of Restoration: Ecclesial Ethics and Restorative Justice* (London: Bloomsbury Publishing Plc, 2017), 228.

²³ *Ibid.*, 228.

²⁴ *Ibid.*, 230.

²⁵ Bintliff, *Re-engaging*, 49.

²⁶ Noakes-Duncan, *Communities*, 245.

schools means constructing restorative justice as a practice where it is the normal way to conduct dialogue rather than implementing it as "an occasional tool [used] when a child is in trouble."²⁷ It is crucial that we start to build community within our classrooms, but it would be naïve to assume that this work could be done overnight.

Bintliff shared that restorative justice was not easy to implement into her school. The greatest challenge was scheduling ample time for students, teachers, and parents to meet.²⁸ Her dedication to implementing Talking Circles did have the palpable effect of fostering connections among youth and adults which resulted in better test scores. Nevertheless, restorative justice is a fairly new concept that is being explored as a solution to the school-to-prison pipeline. The pipeline is not only an educational concern, but a theological one as well. Our vocation to nurture our relational covenants calls for the dismantling of the school- to-prison pipeline. Bintliff summarizes the pipeline by stating,

Policies that encourage police presence at schools, harsh tactics including physical restraint, and automatic punishments that result in suspensions and out-of-class time are huge contributors to the pipeline...the school-to-prison pipeline starts (or is best avoided) in the classroom.²⁹

Bintliff's description of the school-to-prison pipeline is especially relevant in LAUSD. Although the first part of my research indicated a need for LAUSD to invest in a restorative justice curriculum, the latter half will examine LAUSD's progress with employing this type of initiative.

I discovered that LAUSD recently experienced an amendment to their budgeting system. In 2012, California's governor, Jerry Brown, implemented a new system for funding schools called the Local Control Funding Formula (LCFF).³⁰ When this law passed in 2013, Jerry Brown stated that the LCFF would use finances more efficiently by meeting student's greatest needs and funding schools more equitably.³¹ Calling to mind my previous assertion,³² the greatest need of middle and high school students in LAUSD is a restoration of personal connection with teachers.

LCFF requires every school district to "set goals, take specific actions, and use LCFF funds to improve the 'school climate' for their students, all of which must be described in the district's Local Control Accountability Plan (LCAP)."³³ I was able to access the 2015 and 2016 LCAP reports for LAUSD. To keep my analysis focused, I only compared the funding given to LAUSD's fifth goal, school safety. An instrumental part of this goal was to invest in restorative

²⁷ Bintliff, *Re-engaging*, 53.

²⁸ *Ibid.*, 56.

²⁹ *Ibid.*, p. 55.

³⁰ "A Guide to California's Local Control Funding Formula," *EdSource.org*, February, 2016, accessed March 21, 2018, <https://edsources.org/2016/local-control-funding-formula-guide-lcff/89272#>.

³¹ *Ibid.*

³² Statistics show that since 2008, students have reported feeling less able to reach out to their teachers for personal support, but it seems as though LAUSD is only stressing academic empowerment.

³³ Linnea Nelson et al., *The Right to Remain a Student: How California School Policies Fail to Protect and Serve* (ACLU of California, 2016), 16, accessed April 8, 2018, https://www.aclunc.org/docs/20161019-the_right_to_remain_a_student-aclu_california_0.pdf.

justice.³⁴ I could not find what type of programming this investment would entail; however, it was interesting to note that LAUSD wants to implement restorative justice training in all of their schools by 2020.³⁵ LAUSD measures their success with meeting this goal through the number of instructional days students lost to suspension. I will process my findings by first discussing LAUSD's 2008, 2014, and 2016 suspension records. Then, I will compare the LCFF funding LAUSD allocated to restorative justice programs versus school police in 2015 and 2016. Finally, I will synthesize these statistics by reviewing how safe their middle and high school students reported feeling on campus in 2008, 2014, and 2016.³⁶

According to the 2015 LCAP update, LAUSD students lost a total of 59,783 instructional days in 2008 (6.7% suspension rate), and 8,351 days in 2014 (0.9% suspension rate).³⁷ In their 2016-2019 strategic plan, LAUSD set a goal of decreasing the number of instructional days lost to suspension to 6,097 days (0.4% suspension rate). As daunting as these numbers seem, it is good that LAUSD lowered the number of instructional days lost to suspension by 53,686 within 8 years. Nevertheless, this statistic does not account for the use of force often exercised by police. To assess this characteristic, I will compare the funding attributed to restorative justice and school police.

The 2015 LCAP reported that LAUSD allocated 2.9 million dollars to their restorative justice program.³⁸ This amount seems insignificant when coupled with the 58 million dollars they used to fund the Los Angeles School Police Department (LASPD).³⁹ When compared, the school police was funded 20 times as much as the restorative justice program. Fortunately, this difference is reduced in 2016, when the LASPD received 71.7 million dollars and the restorative justice program received 10.1 million dollars.⁴⁰ Although the LASPD was only funded 7 times as much as the restorative justice program, a glaring issue presents itself when one analyzes how LCFF dollars were used in 2016.

LAUSD budgeted \$10.8 million to the restorative justice program, but they only spent \$10.1 million. This difference of \$0.7 million can be interpreted as a smart use of money, yet LAUSD seems to privilege employee salaries. For example, by comparing the budgeted versus actual amounts of funds spent through the restorative justice program, I found that LAUSD spent \$300,000 more than what they budgeted on employee benefits. Conversely, they spent \$14,000 less on purchasing books and supplies. There is nothing wrong with paying fair wages to

³⁴ "A Year in Review: Accelerated Student Success," *Lcap.lausd.net*, 5, accessed April 4, 2018, <https://achieve.lausd.net/cms/lib/CA01000043/Centricity/Domain/358/LCAP%20Community%20Presentation%2010317.pdf>.

³⁵ *Ibid.* LAUSD began to train their schools in restorative justice back in 2013.

³⁶ Please note this process resembles the statistical comparison I presented on page 3.

³⁷ Earl R. Perkins, "Positive and Safe School Environments: LCAP Program & Goal Update," *ca01000043.schoolwires.net* (2015), 10, accessed April 2, 2018, <https://ca01000043.schoolwires.net/site/handlers/filedownload.ashx?moduleinstanceid=19941&dataid=20328&FileName=Annual%20LCAP%20-%20Positive%20and%20Safe%20Schools.pdf>.

³⁸ LAUSD, *LAUSD LCAP: Amended September 15, 2015*, *Achieve.lausd.net* (2015), 401, accessed April 2, 2018, <https://achieve.lausd.net/cms/lib/CA01000043/Centricity/Domain/358/LCAP%202015%20Final%2092115.pdf>.

³⁹ *Ibid.*, 398.

⁴⁰ LAUSD, *Local Control Accountability Plan and Annual Update (LCAP) Template*, *Achieve.lausd.net* (2017), 63 & 65, accessed April 2, 2018, <https://achieve.lausd.net/cms/lib/CA01000043/Centricity/Domain/358/lcap2017-59.pdf>

teachers, especially when you consider that this rise in salaries was encompassed by their decision to hire “20 additional Restorative Justice Teacher Advisers, raising the number to 65 RJ Teacher Advisers and 5 RJ Advisers.”⁴¹ However, to what extent can these advisers be efficient if they lack necessary books and materials?

A similar disjunction is observable in the funds used by the school police. In 2016, the LASPD budgeted \$61.7 million but spent \$71.7 million. This significant increase of \$10 million is mostly comprised of an \$8 million increase in class salaries and a \$6 million increase in employee benefits. These payments account for a \$14 million spending increase, not \$10 million. To decrease over budgeted spending by \$4 million, we need to look at their educational expenses. Interestingly, they budgeted \$4,329,622 for books and supplies but only spent \$482,272.⁴² Why would the LASPD feel a need to reserve so much money for educational resources and then decide to only utilize about 11% of it? Additionally, the rise in LASPD expenses could be more understandable if students felt safer on campus. Unfortunately, in reviewing LAUSD’s middle and high school survey reports, I discovered that students felt safer on LAUSD campuses in 2008 than today.

In the case of middle school safety, 81% of the surveyed students reported feeling safe at school during the 2008 academic year.⁴³ 72% of the surveyed students reported feeling safe during 2014.⁴⁴ Two years later, 65% of the surveyed students reported feeling safe at their middle school.⁴⁵ In this span of eight years, students enrolled in LAUSD middle schools felt 16% less safe. As for high school, 81% of LAUSD students reported feeling safe in 2008.⁴⁶ In 2014, 73% of LAUSD youth felt safe.⁴⁷ During 2016, 63% of them felt safe.⁴⁸ The difference between eight years is 18%. It is important to note that these statistics are averages from the entire district, so some students in majority non-Caucasian schools reported feeling less safe than the district average. The nature of this individual research project prohibited me from exploring possible disparities between students in specific schools.

What becomes clear from this analysis is the fact that LAUSD does not act according to their mission of “empowering tomorrow’s leaders.”⁴⁹ Despite good intentions to lower their suspension rates, LAUSD is violating a relational covenant with their youth. Such violation and failure complicates investment in the restorative justice programs that would more effectively address the needs of students who feel less safe at and less connected to their schools. We must integrate restorative justice practices and spiritual principles to restore the dignity of everyone as a child of God. The restorative justice practice of deep listening will enable districts like LAUSD to better understand what students expect out of their educators. They long for a more personal relationship with the adults around them. If teachers expect to be respected by their students,

⁴¹ *Ibid.*, 63.

⁴² *Ibid.*, 64.

⁴³ *2008-09 Middle School Experience*, 1.

⁴⁴ *2014 Middle School Experience*, 1.

⁴⁵ *Results of the 2016 School Experience Survey LAUSD Middle Schools* (Los Angeles: LAUSD, 2016), 1.

⁴⁶ *2008-09 High School Experience*, 1.

⁴⁷ *2014 High School Experience*, 1.

⁴⁸ *Results of the 2016 School Experience Survey LAUSD High Schools* (Los Angeles: LAUSD, 2016), 1.

⁴⁹ LAUSD, “Mission and Vision,” *Achieve.lausd.net*, accessed April 2, 2018, <https://achieve.lausd.net/strategies>.

then they too should advocate for their district to divest from heavily relying on school police since police presence makes it easier to criminalize youth who deserve compassion. Even though my research shows that there is much work to be done in restoring our interconnected covenants, we should implement spiritual practices like forgiveness to ensure that we do our work without grudges. We must hold people accountable, but we can do so compassionately by inviting those in power, like LAUSD, to dialogue with hurt people as well as individuals who have insightful recommendations.

In summary, I assert that children deserve compassion since Jesus identified them as the greatest in heaven. I classify Talking Circles as the ideal medium through which we can restore children's dignity. By performing a comprehensive analysis of LAUSD's approach to restorative justice via their reports from the last 10 years, I have demonstrated the urgent necessity of changing their approach. This research is important because it draws on the theological notion that everyone is God's child. As a result, we all have an obligation to heal broken relationships among each other. Our society is experiencing a transition from theorizing about restorative justice to implementing these practices, and I believe this process can be most successful by recalling the covenant we have to one another. In place of a personal closing statement, I would like to offer Earlonne Woods' intuition on restorative justice. He is a person currently incarcerated in San Quentin Prison and he said this during an episode of the podcast called *Ear Hustle*: "Restorative justice is painful work and it takes time. There aren't any fast answers or easy resolutions. This is work."⁵⁰

⁵⁰ Sara Kruzan and Anthony Avil Scott, "Episode 13: Dirty Water," March 28, 2018, in *Ear Hustle*, produced by Radiotopia, podcast, MP3 audio, 31:00:05, accessed March 29, 2018. <https://www.earhustlesq.com/episodes/2018/3/28/dirty-water>.

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