

**CADRE Webinar**  
***Restorative Justice Practice in Special Education: Resolving Conflict and Promoting Equity for Students with Disabilities***

**John English, J.D.**  
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**Transcript**

>> Hello, I am Marshall Peter, the Director of CADRE and I want to thank you for joining CADRE's webinar today with John English, the topic of which is Restorative Justice Practice in Special Education: Resolving Conflict and Promoting Equity for Students with Disabilities. Our presenter today, John English, is an Education Program Specialist with the Oregon Department of Education. Prior to joining the Oregon Department of Education, John served as a Research Associate and Director for Technical Assistance and Consulting services, an outreach unit housed in the University of Oregon's College of Education. John's early career history includes work as an instructional assistant, job coach, school based occupational therapy practitioner, civil rights advocate, and attorney. He spent over 10 years providing services to students with disabilities in school districts in Utah, California, and Maine.

Subsequently, he worked on education and other civil rights issues for the Disability Law Center of Utah. John's interests include procedural safeguards and dispute resolution under the Individuals with Disabilities Education Act, IDEA, school discipline reform, juvenile justice, school based mental health, assistive technology and restorative justice. John holds undergraduate degrees in Occupational Therapy and Psychology, a Master's in Public Administration and Policy, and a Doctorate in Law. I'm also pleased to mention that John is a member of CADRE's National Advisory Board where he has provided us with excellent advice about the conduct of the center and the work that we're doing. So John, as

you can tell, is a man of considerable accomplishment and we're really excited to have him joining us today. So, John, take it away.

>> Thank you, Marshall. I'm going to assume everyone can hear me fine unless I'm notified otherwise. It's a pleasure to be with you all today. I want to thank CADRE for the invitation to dialogue and I do consider it an honor and a privilege to serve on the Advisory Board and to call you all my friends and colleagues. So we're coming at you live today deep in the hills of Eugene, Oregon at an undisclosed location. I'm sitting here in the inner sanctum and it's just -- and I feel like I'm in the FBI. You know, we've got surveillance equipment and all kinds of high tech stuff going on and I thought I'd been allowed into, you know, into headquarters here. So it's pretty exciting. But I'm looking forward to the conversation.

Let me dive right in and just talk to you quickly about some of the objectives for today's conversation. I want to go ahead and go forward to the first slide. It's somewhat challenging to try to cover this topic for such a disparate and interdisciplinary audience. So today's discussion will be kind of a 101 overview and I'm hoping to be focused more on breadth as opposed to depth. There are likely people on the call who are very well versed in some of the restorative justice practices to which I'll be speaking. On the other hand, there are likely people who for whom this might be a new construct or concept so I'm hoping that everyone on the call will at least get a couple nuggets or that this will at least stimulate some engaged and ongoing conversation. But I'm going to provide an overview of restorative justice. I want to talk a little bit about some of the education contexts where RJ, restorative justice, can be employed. I want to provide some case study information for

you all and with the intent of kind of spotlighting promising practices because I think that's what we need to be doing in order to improve our professional practice as a group of education professionals. And finally, I really want to stimulate some discussion and some dialogue and some questions and some sharing of information from this accomplished group of people in terms of what people are doing and what the future needs are both in terms of research policy and practice.

This is not a lecture on political philosophy; however, I do want to spend a few minutes at the outset talking about some things that I think are very relevant to our conversation. One of which is equity and equity is something we talk a lot about in the educational arena. It rolls off the tongue with ease. But I think it's important to stop and really talk about the distinction between equity and equality and I know that I'm preaching to the choir, but this, you know, the IDEA from its inception was a statute of law that's been concerned with equity from the get-go. So we are really a group of professionals, a group of community members who understand that, you know, some of our kids need more than one scoop out of the barrel of ice cream, if you will. I think that's an important concept to recognize that equity leads to equality and access and that we're about really first and foremost making sure our practices are equitable. Hopefully that will be a recurring theme throughout this presentation.

The second concept I just want to hit on is justice and, you know, in law school, in criminal law and other classes, you study justice from a variety of angles and you talk about criminal justice and you talk about deterrents to what society considers bad behavior and so forth. But that can look very different depending on what angle you're viewing it from.

And I like John Rawls' conception of justice. John Rawls wrote a classic book back in 1971 called *A Theory of Justice* in which he asked us all to put on a blindfold and to imagine ourselves not knowing what lot we will draw in life. So you don't know if you're going to be born a person with or without a disability. You don't know what color or ethnicity. You don't know your socio-economic status. You know nothing. You have this veil of ignorance on and the question then becomes given that veil of ignorance, what are the rules that you would agree to live by in a society. And I think that's a different way of thinking about justice in terms of fairness and I'm hoping that I believe that restorative justice embodies that and I'm just hoping to spur some thoughts and discussion around that concept.

So that brings us to this question of what is restorative justice. And Howard Zehr is one of if not the godfather, I think, of the restorative justice movement starting back in the seventies. He wrote a very influential book called *Changing Lenses*. But I think he gave a reasonably good definition of what we're talking about when we use the term restorative justice. And really we're focused on harms, needs, and obligations. A person named Michael Hadley wrote a book called *The Spiritual Roots of Restorative Justice* in 2001 and he said that restorative justice is about doing justice as if people really mattered. It addresses the need for a vision of the good life and the common good. Restorative justice is not a new fad. It's not something that was invented in a university or in a school district. It's something that's been part of human culture for centuries. It's been an indigenous practice used around the world and you can do some really interesting comparative studies going from country to country throughout time and looking at the ways different cultures have used restorative practices and circle processes as a way to repair harm.

One example would be the Maori of New Zealand. He studied their culture and the historical underpinnings. They have a very well established and robust system of bringing in offenders into a circle process in order to heal. In 1989, that became a reality for the country. They passed legislation in New Zealand where they basically made restorative justice the default practice in New Zealand. So in New Zealand, if you're a juvenile person and you get into some kind of issue that in this country would land you in court, the New Zealand -- the way they do business is they start with a restorative process in circle and they move to a more judge ruled adjudicative setting only if appropriate. It's a different way of looking at how to address wrongdoing with youth.

Native American culture also gives us a really great example of the use of restorative justice. This is Robert Yazzie. He served for 18 years on the Supreme Court. He was the Chief Justice of the Navajo Nation Supreme Court. He helped create the United Nations draft declaration on the rights of indigenous peoples. And he's a noted scholar and throughout his career, he has really integrated traditional Indian law into his work and really seen his work as a jurist as that of being a peacemaker, particularly around issues of domestic violence and other issues. But really seeking to focus on the peacemaking and the healing as equally and in fact more important than punishment.

So what are the key components of restorative justice? It's perhaps easier to explain what it is by talking about what it is not and this is a crosswalk of our traditional modern Western justice system where we're focused with three questions basically. What rules or laws were broken? Who broke them? And what did they deserve? When we change lenses and look at it from a restorative justice perspective, we're asking questions that pose the

following: who's been hurt, what are their needs, and who has the obligation to address the needs and put right the harm. And we're asking those questions in terms of thinking of ways to strengthen relationships, ways to build social emotional capital, and ways to really develop social emotional competence in all of the participants.

Again, this is not a presentation to go deep into all of the various methodologies and practices associated with restorative justice and there are several and there are many and I'm happy to have offline or subsequent conversations with people about the kinds of practices that are being done both in and outside of schools. But there's one universal characteristic in these practices and that is the use of a circle. And if you think a little bit about our traditional configuration in the U.S. public education system, you walk into a classroom and that for the most part you can still see evidence of this. You walk into a classroom and you have students arranged in nice, neat, orderly rows. And the teacher is standing up at the head of the classroom kind of speaking down at the students. Contrast that with the last time you went camping, for those of you who actually camp. I like to camp and every time we go camping as a family or a group of friends, we have a camp fire and people don't line up in camp fires in nice, neat, orderly rows, one behind the other. They all circle around the camp fire to share equally in the warmth. So that same concept applies with restorative justice and it's amazing the way the dynamic can change. Circles are about equality. There's an equal seat at the table. There's no judge up on the lectern peering down. There's no teacher standing at the head of the classroom talking at people. They're filled with safety and trust. You can see everything that's going on in a circle so there's a lot of transparency. There's responsibility in a circle. Everyone has a role. There's joint ownership. In circle processes, leaders of the circle are reminded to be

facilitators not lecturers. And finally, there's accountability. You cannot hide in a circle. It's hard to text on your smartphone. It's hard to pass notes. It's hard to check out unlike a traditional classroom with students sitting in the back may or may not be engaged. In a circle, you really have to be present. Circles can hold pretty much anything that's poured into them if they're skillfully facilitated.

I want to just share a quick personal story with you all just in the spirit of illustrating the power of restorative justice. I'm a volunteer mediator for an organization here in the Eugene area called the Center for Dialogue and Resolution. They're a fantastic organization. They've been around for decades doing this kind of work in the community primarily for juvenile justice post-referral to juvenile justice. So I got called in one time and I'll call this the case of the painted church and that's not the actual church that got painted, but suffice it to say a church got painted, right, by a couple of young gentlemen in the community who perhaps were a little bit too bored on a Friday night and didn't make the best decision. So they got caught. They got eventually cited and they were in the juvenile system, diverted to me, and my job was to get the parents and the young man and the pastor together in the same room for two hours to see if we could figure out a way to make things right. Within that process, there's a talking piece and it gets handed to each party and there's a system by which we go through and start with basically the facts, what happened, and as we move from the facts of what happened, we then move into asking each participant to speak to the way in which they were impacted. So you get to hear from parents. You get to hear firsthand from the quote/unquote offenders. And finally we got to hear from the pastor and the pastor gave what to me was one of the most eloquent five minute deliveries of the impact that this had on him and his community. He spoke to these

young men about what a church is to some people in the community. He spoke about young children being frightened. He spoke about the elderly in his community. He spoke to them directly about climbing up a cold ladder in the darkness on Sunday morning early scrubbing furiously to get this paint taken care of because he was so concerned of the impact that it would have on his community.

And as I'm facilitating this discussion, I'm watching these two young men out of the corner of my eye and they're just locked in. They're just transfixed. They're not blinking, they're hardly breathing. I can see a visible change, a transformation. So we get to the end of the session, the process, which is about restitution and it's about developing through consensus a plan for making things right. And those are typically apology letters. It's often -- in this case it was earning money to pay back the cost of fixing the church and so forth. And the pastor looked at the two young men and he said, "You know, guys, I'm not here to throw the book at you, but I just wanted you to know the impact of your actions." And by the end of that, these two young men said, "We agree to everything that's been stipulated in our restitution plan, but we would really like the opportunity to come before your congregation in person and apologize to your congregation on Sunday." This is two 15 and 16 year old kids. And it just -- as I walked out of that meeting, I realized the power this has to really teach thinking that we perhaps changed the trajectory for a couple of young men by not punishing them, but by holding them accountable and by seizing on the moment as a teaching opportunity. So I think that that's something that will hopefully carry with them throughout the rest of their lives.



So when we do that kind of work, we're actually really kind of changing our community. So that's kind of a long way of saying I think this is powerful stuff and that'll take us to the next slide. We know restorative justice has been used very successfully in criminal justice and more specifically in juvenile justice settings. The work that I have been involved in for the last few years has been grappling with how to bring this restorative justice stuff upstream and how do we bring it into the school systems in ways that will allow us to address the seemingly intractable problems like disproportionality in the school to prison pipeline. In particular, how do we use restorative practices to work with students with disabilities and their families and those are the two areas I kind of want to focus in a little bit on in our discussion today. So it's school discipline and then conflict resolution in general.

So school discipline and what do we mean when we say school discipline. If you go back to the original origins of the word, the old English meaning of the word, it actually meant to teach. So it's not punishment. Punishment is something different than discipline. If I'm going to discipline you really theoretically I'm going to try to teach you a better way of doing something. So that's an important concept to keep in mind. Why would we use restorative justice in school settings? Aren't teachers burdened enough? We've got common core coming down the pipeline. We've got testing accountability, principals, teachers are just absolutely overwhelmed. They're there to teach. They're not there to discipline. Why are we asking them to sit around in circles and talk about our feelings?

Well, I think we can go back to one of my favorite authors, Mark Twain, who tapped into the wisdom of the village farmer and basically the message is, "We can build prisons or we

can build schools," and that was true in 1900 and I would submit to you that it's true today. I think that most of the people on the call are familiar with the concept of the school to prison pipeline so I'm not going to go into depth on that. But essentially, I think it's really important that we recognize that there are times when we start talking about disproportionality as if it's solely and exclusively about race and ethnicity. And clearly race and ethnicity have to be at the forefront of our equity work. But there are lots of other kinds of vulnerable student subgroups that need to be protected, that need to be thought about in the context of the school to prison pipeline. And part of my work and I think part of the work of this collective group is to make sure that students with disabilities are protected. So thinking about disability status as a potential risk factor in that school to prison pipeline is important in this restorative justice conversation.

Just to share a little bit of the data, this data shows that in the last 40 years we have become increasingly reliant on exclusionary discipline practices in our public schools. We suspend kids way more than we did and those lines of separation or disproportionality, if you will, along race and ethnicity are increasingly marked. If we disaggregate and we focus on disability then the numbers are even more alarming. So this is what I call the double whammy effect. This is the intersectionality of being a student of color and a student who happens to have a disability. This is all national data. It's taken from the civil rights data collection which is a collection that's done on the biennium every two years. The last two collections have been universal collections meaning they've taken data from every school in the nation -- every public school. So this is the same patterns hold true throughout. But essentially, just to give an example, if you're an African-American student in this country, you have a 60% chance of being excluded from school for some reason in your academic

career. If you're an African-American student who happens to have a disability and this is only looking at kids with IDEA. So kids on IEPs, this data does not include kids on 504 plans. But just IDEA kids, you have a one in four chance of being suspended out of school and we know that all the research shows that for each incident of exclusion from school, the risk factors for later involvement in the juvenile justice system increases.

So when we have those kinds of data, we end up with these kinds of data and that is comparing us to the rest of the quote/unquote developed world in terms of our juvenile incarceration rate per 100,000. So as a social scientist, this begs the public policy question of how well is this working for us as a society, as a nation, as a community. Are adult incarceration rates going down? Are we spending less money on adult prisons? Is recidivism decreasing? And are we spending more money on education and less money on the prison industrial complex. If we can't answer those questions in the way we think we should be answering them, then I would submit that it's time to change our paradigm or as Howard Jitter would put it, change lenses.

So focusing on our group, Students with Disabilities, how many kids with disabilities end up in juvenile justice? It's really hard to quantify and I've looked at various studies. I would submit this is probably a conservative estimate -- 42 to 60%. I've seen other studies that suggest that even higher and I'm sure there's more recent data that I could share with you. But simply put, there's a lot and it's a disproportionate amount. I think many of the people on this call probably already know that. We've got students ending up in the juvenile justice system who are on IEPs. We've got students in the juvenile justice system who probably need to be on IEPs. And we've got students in the juvenile justice system

that have mental health issues that are not being appropriately diagnosed and addressed on the front end. And so what happens is our prisons end up becoming our defacto on them on health providers in this country and we need to change that.

So I'm hoping and, you know, my soap box speech has been that there's a different and better way to do this. These pink utility boxes started showing up in Eugene. I used to walk from the bus stop to work every day and I was intrigued because I didn't know what these were, but I started taking pictures of them all with my cell phone thinking that it was a scavenger hunt or maybe there's some kind of a prize, you know, like Willie Wonka gets the chocolate bar and gets to visit the factory. Turns out it was just an art project from the community college. But I was, you know, I was putting them all together on my computer trying to make sense of them, but that's a good message and I was taking pictures so I'm going to share this one. And the message is that we can change the trajectory for our most vulnerable students by working and focusing on equity in school discipline and behavior management.

There's an important point to be made here, differentiated instruction. Oregon is one of four pilot states that has joined the SWIFT Project. SWIFT stands for School Wide Implementation Transformation, I believe it's transformation. It's a heavily funded U.S. Department of Education project and the premise of that entire project is really to build an inclusive school environment. It's to try to erase this long standing chasm that we have in this country between general Ed students and special Ed students. And the idea is that in a few years you can walk into a classroom and you can have a group of kids, some of whom maybe on the talented and gifted. Some may have fairly significant disabilities, physical or

intellectual. But that there's a seamless continuum and that there's a way of differentiating instruction that includes everyone and meets everyone's needs within the same classroom. And I would submit that differentiated instruction is not just for academics, but it really is about applying that same philosophy to the way we've managed behavior in schools.

So I'm watching, Marshall, to see if we're getting any chat box questions or comments.

>> No.

>> If not, I'm just going to keep forging ahead and if we end early, great, and if we don't, you know, that's fine as well. But let's talk a little bit about what this really looks like kind of boots on the ground. When I talk with people about restorative justice in schools, for people that are maybe less familiar with it, they're always surprised to find out that it's not just about responding when there's been bad behavior, but it's actually a very effective preventive proactive approach. And I'm going to get to that a little bit later in the conversation, but let's just talk a little bit about the ways that restorative justice could be applied in a proactive manner and particularly thinking about students with disabilities here. Check-in/check-out is ubiquitous in the education world. If you spend any time in schools, it would be positive behavior support. That's a pretty common strategy to do with students who have challenging behaviors. You can do check-in/check-out really effective in a collective way using a restorative circle. I know teachers who start their week on Monday with check-in circle and it's how are you doing, how was your weekend, what's going on in your life, do you have any issues or questions about anything, and let's have a great week. Friday afternoon rolls around and we have a check-out circle. Same thing. Get together in the middle of the class, talk in peace, each person gets a chance to check-out.

Hot seat is I think a great exercise. Basically one student sits in the hot seat and is showered with compliments by the rest of the class. Again, it's not something that we thought up in public schools. There are tribes in Africa that have been using this kind of a practice when a villager offends someone as a way of wrongdoing. But what a fantastic way of teaching young people how to do positive behavior and preventions and supports on themselves. Behavioral expectations. So one of the tenants of positive behavior support is we have all of these predefined rules. But people do best when you do things with them rather than to them or for them so restorative circles allow teachers a chance to actually engage students in defining what they're group operational norms are and then putting up those kinds of agreements on the wall. When you do that, you're going to have much better buy-in and much better behavior in the long run. Awareness/sensitive training; when I was with the Disability Law Center, we launched a project called Everyone Can. And the purpose of that was to go in and target young students, kindergarten, first, second grade. We developed a curriculum that mapped onto the state curriculum, but we were in there to teach, to destigmatize, if you will, disabilities so that these young students would feel comfortable and would understand that disability is just actually a part of the human continuum and it's a really neat opportunity. And we use circles in many cases to do this. You can do that kind of work with restorative circles. You can address sensitivity, you can address racial tension, you can address bullying.

Finally, restorative circles aren't just about managing behavior. There are classrooms in this country where teachers are skillfully using a restorative circle process to actually deliver content and to really engage their students.

>> So while we're moving into the next slide, there was a question about whether you do anything different with restorative justice when working with students with disabilities and I think you're touching on that.

>> Yeah. I mean it's a great question and obviously that would be very context specific in terms of the nature of the disability. But I think that's a lot of the work that's yet to be done is figuring out what kinds of special education applications can be developed for these kinds of situations. Of course, one of the big goals is to integrate and bring kids into the mainstream as much as possible. So if you're doing a restorative circle and you're getting at curriculum, what kinds of adaptations need to be there? What kinds of facilitations, what kinds of supports need to be part of that circle process so that you are having meaningful participation from kids with disabilities. That's a great question.

>> Moving on?

>> Sure.

>> So moving from --

>> I just noticed related to what you just said that in terms of social integration and understanding kind of marginalization and social disconnection that circles would seem to provide a really wonderful opportunity to get kids really dialed into each other and...

>> You know, you're really building -- you're trying to build social capital and you're trying to make deposits into the bank because when things go south and we know that things get hard and go south, you want to reach into your account and make a withdrawal. And when you do this kind of front end work and build relationships with your students

and with your parents and with your community members, then hopefully when things get touch, they bend and they stretch, but they don't break and that's what we're really about in special education. That's what CADRE's about. That's what we're all about. We want to make sure that we're spending our time and our energy and our resources on providing instruction to kids in classes and not fighting in courtrooms.

So moving from preventive to responsive work. Lots of different ways that restorative justice can be used to respond to wrongdoing or to harm when it occurs. This is everything from a teacher on the playground trying to clear up a playground scuffle to a principle or vice-principal sitting in an office after receiving a disciplinary referral and making that decision, do I suspend and if not, if I want to keep this kid in my school community, how can I do so without seeming to be soft on crime or soft on wrongdoing? How can I do that in a way that teaches and that maintains accountability? Bullying, there are states that are using restorative process to deal with truancy. In Utah, they've done a little bit of pilot work around truancy and I've always found it baffling that our historical response to kids not coming to school is to tell them they can't come to school anymore. That's not what we need to be doing, particularly for our marginalized population. That doesn't send a good message to kids and it doesn't send the right message to parents or communities. Baggage from outside. You know, we have kids that come from pretty horrific environments and we kind of sometimes I think in public education tend to gloss over those things. We need to check in with kids and make sure they're feeling safe and they're feeling heard and we're kind of in tune with what they're reality of life outside of the school. You can do that with restorative circles.



And finally, reintegration. Reintegration is critical. You think about kids that do get suspended. How are we bringing those kids back into our school community in a way that says we want you back, we're here to support you coming back, we expect you to be back, you're a part of our community. How are we reentering kids who have been incarcerated? Are we doing a good job of that in a way that makes them feel like this school actually wants me back. They're not trying to get rid of me, they want me back. Those are the kids we have to hold onto even more tightly. And restorative processes allows us to do that. I think this picture, I'm not sure of all the details, but I believe this was a school addressing some racial tension or a racial incident. But you can see that restorative circles can be two people and it can be 200 people depending on the issue.

>> And Greg Abel had a question, John, about whether it's typical that it's an adult facilitated process or whether there are peer facilitated processes or examples.

>> Wonderful question. The Center for Dialogue and Resolution has for the past few years been doing a restorative peer court. I'm involved with them as well. Let me just describe that a little bit because I think it's another great method as part of this practice. Restorative peer courts, kids get referred. It's a post-referral. It's not happening during the school day, but after school it's based on regional configuration here in Eugene. Kids who have been caught shoplifting or graffiti or a whole host of various kind of offenses show up and there's an adult elder that kind of facilitates. But the process itself is led by other youth. Many of those youth are there as part of their restitution plan because they've been in that same position before as offenders and part of their plan of correction is to commit to doing a certain number of days of service on the peer court. So what you have in that

process is youth coming in and being heard by their peers and receiving some hopefully constructive guidance from their peers, many of whom have been in the same process. Not all of the youth that we have involved in that program are offenders. We're trying to make sure we have others that are just wanting to be involved in it as a social justice part of their education, really building social emotional confidence. But there's some absolutely fantastic stuff that's going on with using just peer courts in that process. One of the things we were intrigued with and thinking about is how could we build those kinds of processes to be working and happening within school buildings during the school day because then you're moving upstream and you're preventing some of these things from even needing to be referred into juvenile justice to begin with, saving money as well as time.

Good question, Greg. I think it's really important and one of the lessons that I've learned in this work is that you cannot add this on as another initiative to be added to the list. You really have to take an implementation science view. You have to be strategic and thoughtful about how you're going to embed this into the educational milieu. It's got to be a whole school approach in my mind. You've got to have bus drivers, cafeteria workers, playground monitors, classroom teachers, counselors, principals, vice-principals, and superintendents all on board because this is a philosophy as much as it is a practice and a methodology.

If you spend any time in public schools in the last 15 years, you're likely familiar with this concept of multi-tier systems of support. It's not again something that was invented in a university setting or in the school, but it's been with us since the forties and fifties. It's actually a public health model. It's practiced in emergency rooms every day. We figured

out that it makes a lot of sense to do an education. We have applied it to RTI, Response to Intervention, in terms of teaching literacy. We're now doing it with MAP and we've realized that it makes good sense for behavior management. So PBIS, one of the tenants of positive behavior interventions and support is to recognize that a hundred percent of our kids need a certain fundamental level of service. A smaller percentage, 10-15%, need a little bit more. And a smaller percentage plus or minus 5% need some real intensive services and supports, those are the kids that need two or three scoops out of the ice cream barrel.

I think that you can map restorative practices right onto the multi-tiered systems of supports. So you're talking at the ground level about making and developing relationships. As you move up the triangle, you want to maintain those relationships where about preventing office disciplinary referrals. And finally at the top, you're talking about repairing harm and relationships. You're talking about repairing harm in terms of relationships between students and staff, but also between school and community, school and parent.

Doing okay for time?

>> Yeah, we're doing great.

>> This is just a little bit of a more descriptive model to try to map out how this restorative practice would look on a multi-tier system of support. Some of the pilot work that I'm involved in the Eugene area and hoping to help refine and test this model as we move forward. But essentially, it's trying to use existing behavioral management frameworks and add these tools and augment that process. So again, building circles,

preventive practices on the bottom. As you move up into more responsive practices. As Greg asked about, how do you do peer quarter, peer mediation as part of a response to wrongdoing? Addressing bullying, addressing truancy, restoring and repairing harm in the classroom. And as you get to the top of the triangle, you're dealing with higher level offenses so perhaps behaviors that could qualify as suspendable or expellable, but thinking of alternatives to those. And then finally reentry. How we bring back those kids who have been suspended or expelled back into the school environment. And in a special Ed context that maybe kids who have been placed in an interim alternative educational setting and we want to figure out a way to reintegrate them back into the mainstream. I think a restorative circle process is a good way of doing that.

So moving now into just asking a question; are there current examples being used in school communities in the U.S.? And this is by no means an exhaustive list, but these are a few pockets, I think, of excellence that if you look around the nation people are really leading out and doing some innovative work. And I'll hope to just touch really briefly on each one of these cities or locations and then give you enough information to dive deeper if you so choose.

So Columbine is one of the catalysts for our national move to a zero tolerance mentality. Columbine happened in 1999 and in the five years subsequent, Columbine, Denver saw 71% increase in school referrals to law enforcement. When you drill down on that data, you find that a very, very small percentage of those referrals were actually for dangerous threatening behavior. And that data holds true across jurisdictions, across context. They've shown the same thing down in Texas. I see the same thing in Oregon. It's the same

data time after time is that we're not using school exclusion to really deal with serious behavior that poses imminent harm, but we're overusing it. So Colorado got smart and in 2012 passed the Fair Discipline in Schools Act. It's a very progressive state statute that has restorative justice written into statute and if you look at what they're doing in Colorado, they've got a great website which I'm happy to share with people. They're really doing a lot of great work. They've got some pilot projects going and so on and so forth.

Technical difficulties here. Bear with us. Any questions while we get reloaded? Here we are. Okay.

>> This is me once again adding value to the presentation.

>> This is a very sophisticated, high tech operation so there's a lot of equipment so it's like flying an airplane in here. Denver public schools. You know, the same data picture that you see across the nation. Colorado Department of Ed gave some grants out. What I really like about what they did in Denver was they partnered with community nonprofits. This is "it takes a village" work. It's not an educational issue. This is a moral civil rights issue. It's a social issue so we need to be working together to address it. But they partnered up with three nonprofits in Denver to really launch this restorative justice practice in their schools.

And if you want more information, you can find it here. I should mention that the evidence base for restorative practices in school settings is really in its infancy. And most of the research at this point in the game is largely qualitative and/or evaluative. I absolutely think we should be testing and refining and questioning what we do to make sure it's got efficacy. But it really is critical that we have change agents and people willing to get out on a limb and try new things and refine new things so that we can generate more

evidence to show the effectiveness because all of the applications of these in other contexts and all of the early research is very promising.

>> There's been several comments, John, about the importance of training and preparing the adults in a school so that they're able to model and then a question about thoughts on how to go about engaging the adult school community into the shift.

>> Yeah, great question again, Greg. As we all know, working with behavior management with youth, it begins and ends with how adults behave. And the degree to which adults in a school community get along with each other has a profound effect on how well they are at managing student behavior. So I absolutely agree a hundred percent that this paradigm shift begins with really going deep with the adults, the stewards, if you will, the guardians, the people that are working in the school building and it is deep philosophical work to begin with. When we did our pilot project at North Eugene High School, we tried to give enough reading material to teachers on the front end. We used the flipped classroom approach acknowledging the fact that teachers really don't have a lot of time to spend. They walk in the door and they're going from pretty much 9:00 to 5:00, but we tried to deliver it asynchronously using technology, Google drive, and so forth, videos and readings. And then using the onsite training time to really go deep and practice the skills and that's really about case studies, it's about role playing in circles with fish bowling and those kinds of things. But I think it is. It's a very important point that we have to start with -- we have to have everyone on board in terms of the philosophy before we can start teaching it to kids.

Did I address all of the questions?

>> Well, there was a question about the best first step and then a question about whether or not restorative justice is being written into behavior intervention plans.

>> Yeah, to address Jessica's question, I think of this in terms of tiers so everyone in your school probably needs a certain rudimentary or fundamental level of knowledge as to what we're talking about when we say RJ. Then you need -- this is just me speaking, but then I would go deeper and I would identify in your school those kinds of point people, so your school psych, your counselor, your PBIS team, your vice-principal or whoever is kind of takes the role of disciplinarian. Those people probably need that deeper level of training. And then it's a train the trainers model. So those people are going to have proficiency and can disseminate that throughout the school.

Heather's question about is RJ being written into BIPs. Wow, that's a great question. I haven't really thought much about that. I certainly haven't seen it in a BIP, but that doesn't mean that it's not in a Behavior Intervention Plan. It would be a really awesome, I think, Behavior Intervention Plan that said when appropriate, we're going to use this as a teaching moment. We're going to have Billy when he has certain kinds of behaviors, we're going to teach him what this process is of coming into a circle and sort of owning up. I mean I did this with my kids. I have three boys and they kind of know that when I get out the talking piece, it's restorative circle time and after we did it a few times, I mean they get it. And it's really an effective way to teach social emotional competency to kids. Good questions.

Okay, so Minnesota. Same thing. The Department of Ed was charged with reducing violence in schools and they gave out four grants of 300 grand each to districts. And the

next slide shows some very promising initial data in terms of what they were able to do to reduce suspension. We're moving the needle in the direction we want it to be moving. And if people are interesting in reading more about their work, Nancy Riestenberg is kind of my counterpart at the Department of Ed in Minnesota and she does a lot of this kind of work. She's got a great book out called *Circle in the Square* that I would recommend. It's got some nice case studies in it.

Oakland Unified, same data picture. Disproportionality. That's not disaggregated by disability, but if you did disaggregate, I believe you'd see the same kinds of patterns. And they have partnered with also a local nonprofit, Restorative Justice for Oakland Youth or RJOY. In 2007, did a pilot at Cole Middle School and dropped suspensions by 75% in one year. The following year, you had 20 principals begging to launch restorative practice at their site. And in 2010, you had the board adopt by resolution saying we are now a restorative justice district. So like New Zealand did as a nation, you have a board saying as a district, this is how we do business moving forward. So you're really getting grass roots pressure coming from below, moving upward, and you're getting top level policy pressure coming down.

The thing I really like about what they're doing in Oakland is what I call cross-pollinating and you can operationalize this and call it systems of care work, you can call it collective impact. But it's really acknowledging that the school to prison pipeline is, in fact, a continuum. It's certainly a problem that starts in education in many cases, but it moves down the pipeline and we've got to engage local mental health providers, we've got to engage juvenile justice professionals, and that means judges, probation officers, counselors,



law enforcement, and community stakeholders. And what they've done in Oakland is they've gotten those people together and developed a strategic plan that says this is how we're going to institutionalize our use of restorative justice in our community.

There's more information on Oakland. They have some wonderful videos on their website. One video I would describe as a tier 1 video and it's showing student led restorative circle to build relationships. The other video is a reentry video. I would call it a tier 3 video on the triangle and that is bringing a young man who has been incarcerated back into the school community and it's a great illustration of how families and community members can be involved in this process. We're not going to show it on this presentation, but the reference is there for future viewing if you're interested.

>> You know, there was a comment and then a question, John. So following-up on whether or not restorative justice was written into behavior intervention plans, someone wondered whether schools would be in violation of IDEA if they sent kids to circle and then a comment from someone else was that it might be considered suspension for pattern of removal if not written in and created a cessation of educational service. And I think at CADRE we're really not in a position to offer legal advice although related to those comments, when you're talking about your three boys and circle and then thinking about your experience with these circles, do they function as a punishment so that if you go to circle is it something that you want to avoid or how would you kind of characterize the experience? It's like, I mean, are kids saying, "Oh, no, don't send me to circle." Or it's not something that just sort of exists and is a destination that's to be avoided at all costs.

>> Yeah, great question. No. Circle is designed to be a learning process. So there's certainly accountability there, but hopefully if it's done skillfully it's about teaching students, one, empathy, and two, giving them something that's been developed that they've been a part of developing to say, "What do I need to do to make this right?" So for example, my seven year old kind of knows when I expect an essay from him. He has his pencil sharpened or he knows when he needs to go given an apology or something of that nature. So circle's not the time out room. It's a group process. It's actually the opposite of time out or restraint or seclusion. It's sitting in a circle with peers and adults trying to figure out a way to move forward.

>> Good.

>> Okay, Oregon. House Bill 2192. How am I doing for time?

>> So I think we've got about another, oh, 15 minutes before I wrap it up. So I think you're doing great.

>> So I'm just going try and move a little bit quickly because I would love to have some dialogue at the end. But Oregon passed unanimously in 2013 House Bill 2192. That's a statute that was designed specifically to mitigate zero tolerance in terms of how we do school discipline here in this state. That's not the whole statute, but has several, I think, important concepts. It's very clear that the law is designed to give school boards and school practitioners a mandate to look at every possible way they could keep kids in school before going to exclusionary discipline. And it's part of my job at the state, I get all the phone calls around expulsion and suspension and there's still work to be done. I can say that, but I'm very hopeful and optimistic. There's some great stuff being done in this state.

Resolutions Northwest is a nonprofit up in the Portland area. They've been leading out in terms of restorative justice in schools. Grant High School, 96% drop in suspensions over a four year period. Other promising results at Rigler Elementary. Five new pilot schools came online this year. The Superintendent for the Portland Public Schools said, "Reducing our suspension rates is one of the top three initiatives on the priority list for this year. We're going to invest time, we're going to invest money." They have a restorative justice coordinator. I'm excited to see what they can do. The other point I want to make about Portland is Portland Parent Union and there's a woman named Sheila Warren who founded and directs this project and she's a fantastic advocate for alternative ways to do discipline. I'll talk a little bit about her work in the subsequent slide.

>> John, there's a question about students with specific disabilities, perhaps kids with processing disorders are there situations where really restorative justice circle might not be an appropriate choice for a student with disabilities.

>> Yeah, you know, we got into this discussion a little bit. I was presenting up in Washington at the Northwest Justice Forum and we had a parent voice the same concern. How do you do a restorative circle if you have a student who has some kind of a processing disorder or other kinds of intellectual disability? And again, I always hesitate to get into that because it's kind of like asking me how do I write an IEP goal for Sammy and my response is, "Well, you're the special ed teacher and the parents get together and they know what Sammy's needs are." So that's an individualized kind of analysis. But I think just bringing up the question is a really good point that, you know, and again this is work that's yet to be done. But how would we design and facilitate a restorative process that

was a truly inclusive, that could be inclusive of all kids regardless of their needs whether those disabilities are physical, mental, emotional, intellectual. Those kinds of things. Really good food for thought.

We can keep going forward. There's some information on the Portland research team I'm involved with. Interdisciplinary Group, College of Education School of Law at University of Oregon has a Master's program in conflict resolution. We pulled in some grad students, partnered up with the Center for Dialogue and Resolution and done some pilot work in North Eugene High School. Just beginning to scratch the tip of the iceberg, but really nice results at least at this point and we're hoping to continue that work and expand it to more schools here in Lane County.

Lessons learned thus far at least for me, staff buy-in is critical. Teachers are overwhelmed. You have to convince them that this isn't an add-on, but this is actually something that can be integrated into their professional practice and, in fact, can make their teaching and instruction more effective. Soft on crime; you always have to be ready to address that. That painted church story is really your elevator speech that helps people understand that restorative justice is, in fact, the opposite of soft on crime. It's very much about accountability. Resources, time, and money; there's never enough of it. And finally engaging families and this group, I think again, preaching to the choir. But that's, in my view, absolutely critical to this work.

A couple quotes here from President Obama and from Marian Wright Edeleman. We have to remember that, you know, parents are the real experts in their kids. So go to the next slide and I'll talk just a little bit about the fact that there is research in fact. You know,

we've done empirical work to show that this really does make a difference so it makes sense for us to invest time in engaging. Portland has done some great work. So the lady on the far left is Sheila Warren. She's the founder and director of the Portland Parent Union. The lady in the middle is Nancy Golden. Nancy Golden is the Chief Education Officer for the State of Oregon. She was designated by the governor who serves as the superintendent. She's a fantastic leader and a leader who understands equity. I apologize I'm forgetting the name of the lady on the right, but she's also a fantastic lady. This was a restorative listening dialogue circle that I participated in a while back, but using restorative circle processes to bring in members of the community. So as you walk in the door, you're checking your credentials. It doesn't matter what initials you may or may not have after your name. It doesn't matter what position of authority you may or may not have in the school hierarchy. What matters is that you're a member of a community showing up to have a dialogue and to be as much a listener as a talker. So when you have grass roots work that brings in historically marginalized parents to share their story in an authentic way with high level people and we're talking superintendents, those kinds of people, you're really changing the game, I think. I think you have a real opportunity to build relationships in an authentic way and to really move the needle.

So in closing I will just leave you with some parting thoughts and that's really curious and hoping to hear more from this group. How can we create strong authentic school/parent community partnerships using restorative justice principals and practices? This is one of my favorite quotes. I don't know who said it, but I like it. And then I have a bunch of references, some websites hopefully somewhat coherently organized as well as references for I hope most of the stuff that I've referred to in this presentation for people who want to

go deeper on any area. Please don't hesitate to email me if you can't find something and would like to see something. And with that, I'll just turn it over to Marshall or the group to open it up for some dialogue or Q&A.

>> And I think that with the resources that Greg had asked if you had recommendations on how to follow the emerging application of restorative justice in schools, is there a list or a place that kind of if you were going to dial into a single spot, is there a...

>> Yeah. You know, I don't think there's a single clearinghouse yet. There's just recently been released a new website, a new clearinghouse, on school discipline. And I can get that link to you later, Greg. As far as restorative justice goes, International Institute for Restorative Practices located in Bethlehem, Pennsylvania has been doing this kind of work both nationally and internationally for quite some time. They would be one of the first resources I would check. There's some discussion with some academics around the nation, researchers, Anne Gregory from Rutgers and others are trying to convene a research group to sort of move the research agenda forward on this. I would love to be part of creating that so I think if there are enough practitioners that really see the value of this and want to develop something that I think that's a great idea.

>> Good. Patricia McGinnis wonders what you think about using a circle for special education mediation.

>> Yeah, yeah. So, Pat, that's the next PowerPoint presentation that we need to put together, right? And that's what I don't yet know enough about. If there's literature on that, if people have tried that, I would love to look at it because that's what I've been thinking about and that's what I wanted to hear from you all on is could you do a circle with

a talking piece in a special ed mediation and, you know, how well would that work? And I imagine the answer is, well, it depends on who you have in the room and how skillfully it's done. But I would love to see that tried. You know, you're always as a mediator trying to be really conscious of position in the room and how we set up the table and who's sitting where. Boy, you really change the dynamic when you circle people up, give them a talking piece. So.

>> Somewhat closely related pre-CADRE, Anita Engles and I worked on the application of what we call Team Based Conciliation to Special Ed Disagreements where we trained a highly diverse group of volunteers to facilitate a process based on the community boards model. And it really, in our experience, was a very powerful way to approach special education disagreements, particularly those that had elements of institutional racism and populations who felt disadvantaged in a more typically facilitated process where they might look and be very different than the person who's responsible for facilitating.

>> Great point. Yeah, Heather's comment about -- yeah, you know, it is. It's difficult to ask a parent to sit in a process when they're in conflict with the district. You're already dealing with perceived and actual power imbalances. It's dangerous work. It's work that requires a tremendous amount of vulnerability on all sides. I would just point to what they're doing in Portland Public Union because they're doing exactly that. They are really truly bringing in parents who are in conflict to sit in the same room with people from the district. And I imagine that there's some times where that can blow up on you. But I also think that there are some times and I'd encourage you to follow-up with me or with Sheila. I'm sure

she'd be happy to talk with you about her experiences and what that work looks like and feels like in terms of putting people in the same room.

>> With your permission, we'll put your email address...

>> Yes, absolutely.

>> Good. So type that into the box. How do attorneys fit into a circle?

>> Yeah. That's a good question. From an attorney, I would say it depends on what your mentality is and your skill set. I don't subscribe to making it dependent on credential, but it's really more about what your role is in the process. I would think that it's possible that you could have a constructive circle with an attorney, but you'd want to be really thoughtful about the context and what that attorney's role in that particular point in the game is and everyone on this call knows that we often try to resolve things in an alternative way and sometimes that's kind of pre-attorney talk, but other times it can be very appropriate.

>> It was noted that attorneys are often paid hourly and that circles can take a fair amount of time so just recognizing that it potentially could cost parents more money to have attorneys involved.

>> Yeah, this is not work that you can do quickly. This requires intense sustained commitment and that's part of what makes it effective, but also part of what makes it challenging. So those are really good points. Thinking about, you know, you want to try to maybe start small and get the low hanging fruit and have some quick wins when you're doing this work so trying them out with easy cases and then trying them as your system



gets better at doing restorative processes, maybe trying them out on the more complex cases. Some of them can last entire days as you all know as mediators.

>> So maybe what we would do, if someone has a question that they would like to ask over the phone line, you could press #6 to unmute your phone and then we'd appreciate if you would promptly press \*6 to remute in order to keep noise off the line. So if you have a question you'd like to ask, please press #6 to unmute your phone. In the meantime, we have a question. Do attorneys tend to make the process adversarial? Is their model not conducive to this approach?

>> Again it depends on the attorney. As the mediation coordinator for the State of Oregon, I work with lots of attorneys, many of whom are wonderful mediators. They can wear both hats. Many of them have worn both hats. There are others that I would say probably not a good fit and I think it's again it's a case by case analysis. But again asking the question up front is a really good question to ask.

>> This is Rick Stenger from the Sarasota [INDISCERNIBLE] Schools. Do you hear me?

>> Yes.

>> Okay, can I ask a question?

>> Please.

>> Okay. The situation we're in in our district is beginning at the elementary level with circles and teaching empathy to the elementary levels. As we are looking at middle school/high school making a difference in the data that you were sharing earlier, our concern is the human resource part of it. To be frank and this doesn't have to be mean, but

it's a whole lot easier and time efficient to suspend a child because you get that referral, you talk to them, and you process it and you move on with your day probably to another three or four referrals. So the initial emphasis on trying to interrupt that cycle. Do you have any insights or ideas where money or resources have been available to assist in that process which is lengthy with communication and, of course, circle time and restorative strategies to make that affordable or efficient to schools at the secondary level?

>> Yeah, great question. So there are various models around the nation. One of the models is to bring in outside people, outsource, you know, bring in a nonprofit that specializes in this and they basically kind of come into the school and they provide that service. My personal view on that is that's a good model to start, but you thinking through a lens of implementation science, you want to build internal capacity. You want your entire school staff at some point to have a certain skill set in doing this. That's the long term, the most cost efficient, way to build capacity. So I would suggest you don't want restorative justice to be the guy with the shingle hanging out down the hall, but it's really a whole school approach. In terms of getting stuff off the ground, some cases districts can get federal grants. I personally think that private foundations and partnerships with nonprofits is maybe a good way to go about this kind of work. Robert Wood Johnson Foundation, other bigger foundations are really looking at this issue seriously and being willing to invest some money in it. And the more we can build the evidence base and show efficacy, hopefully more funding will become available to do what needs to be done which is to get some more money into schools to get this stuff off the ground.

>> Great. Greg noted that this seems to be a fundamentally different conversation in that which attorneys engage in and that it really fits into the emerging context of collaborative law. And Heather asked whether you've looked at practices internationally, for example Northern Ireland.

>> Let me start with Heather's. I have not spent much time looking at Northern Ireland. Again, if you have some information, this is a great opportunity to share that. I would love for this group to start developing a professional learning community. Greg's question about collaborative law is a great one. That, I think, could be a very intriguing area where restorative practices could be pulled in and incorporated. Yeah.

>> Well, I think we're coming right up on time here. John, I have to say this has been absolutely fascinating and very exciting and I think about the work that we're all engaged in and this is very, very invigorating. It was a fabulous presentation. Speaking for myself, I really look forward to learning more about restorative justice and here at CADRE Mission Control, you know, as I look around, everybody here is very interested and excited. So I really want to thank you for a terrific presentation. And I want to thank those of you who are there for joining us today. We'll be emailing you a link to a very brief Survey Monkey asking you to evaluate today's webinar. We would really appreciate you taking a few minutes to provide us with your feedback.

I'm also happy to announce that our next webinar will be focusing on Parent Center Initiatives in Early Dispute Resolution. That webinar will be on January the 22nd, again from 11:30 to 12:45 Pacific Time. I might note because we do continue to have confusion, that's 2:30 to 3:45 Eastern Time. More information about that webinar will be available on

the CADRE website as will a captioned version recording of today's webinar. So with that, again, thank you very much for joining us and you have John's contact information and please watch the CADRE website for more information and upcoming announcements.

Thank you very much, John.

>> Thank you. It's been a real pleasure. Appreciate it.

>> Okay, with that we're going to sign off.