



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

John English

November 6, 2014

2:30 pm – 3:45 pm ET (11:30-12:45 PT)

Note: The PowerPoint is currently available on the [CADRE website](http://www.directionservice.org/cadre/restorativejustice.cfm)
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Restorative Justice: How Restorative Practices in Schools Can Promote Equity and Achievement for Students with Disabilities

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Objectives

- Provide an overview of Restorative Justice (RJ)
- Identify education contexts where RJ can be employed
- Provide “case study” information on promising practices around the nation

What is Equity?

equality

equity

Equality = SAMENESS

Equality is about **SAMENESS**, it promotes fairness and justice by giving everyone the same thing.

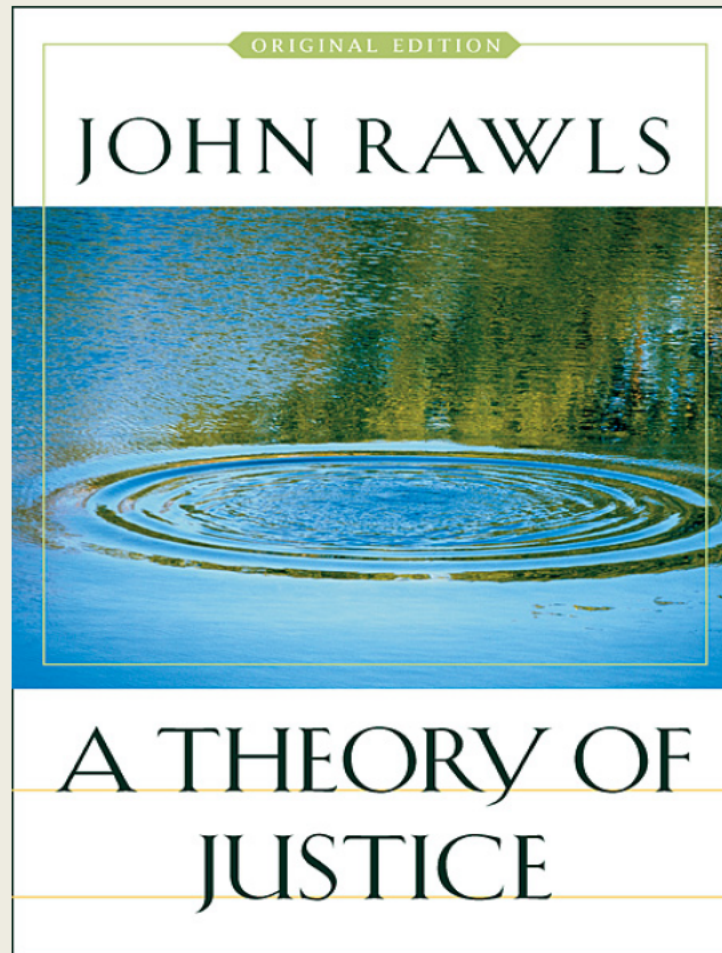
BUT it can **only work IF everyone starts from the SAME place**, in this example equality only works if everyone is the same height.

Equity = FAIRNESS

EQUITY is about **FAIRNESS**, it's about making sure people get access to the same opportunities.

Sometimes our differences and/or history, can create barriers to participation, so we must **FIRST ensure EQUITY** before we can enjoy equality.

What is Justice?



What is Restorative Justice?



What is Restorative Justice?

"Restorative justice is a process to involve, to the extent possible, those who have a stake in a specific offense and to collectively identify and address harms, needs, and obligations, in order to heal and put things as right as possible."

--Howard Zehr--

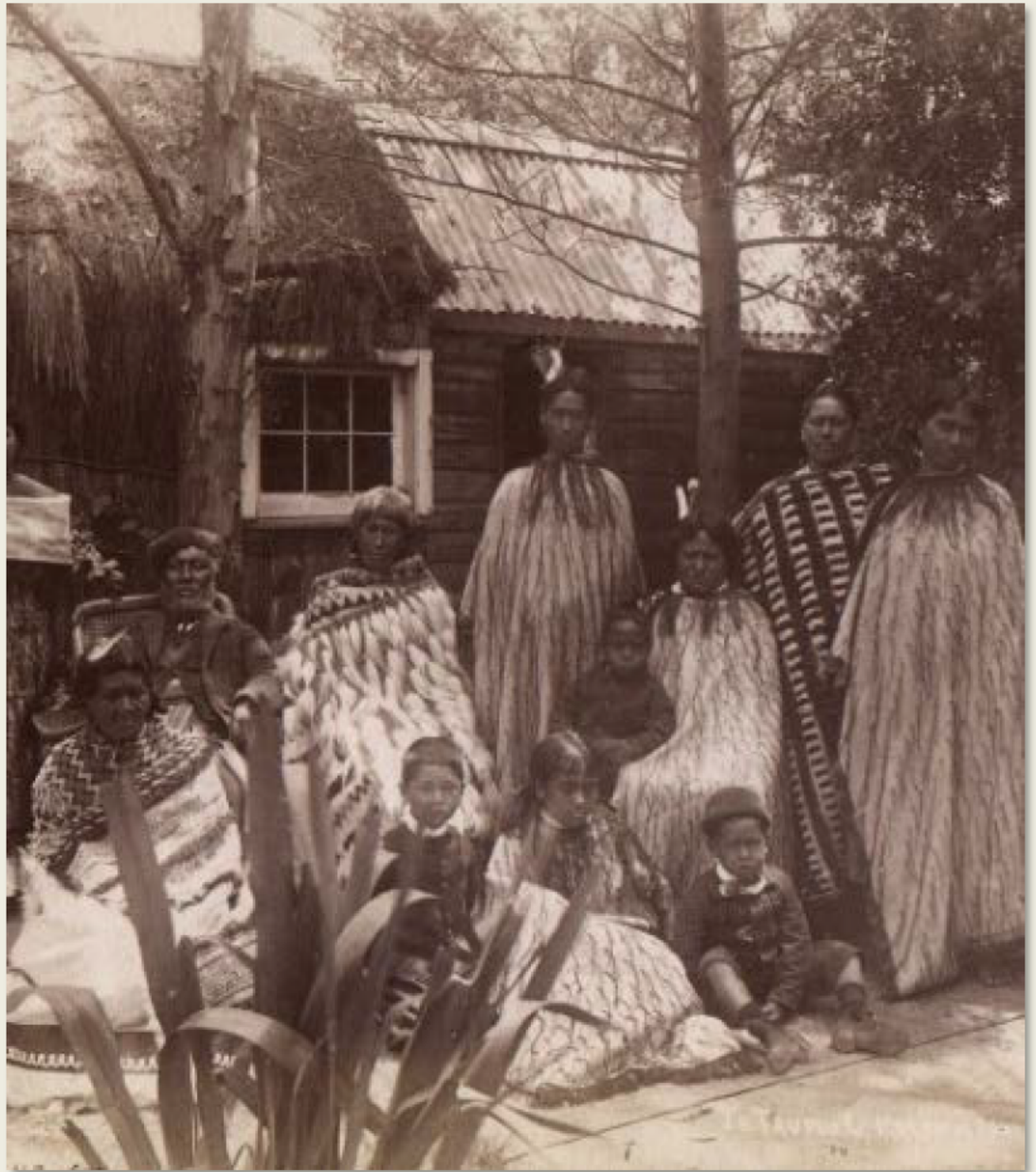
Where Did Restorative Justice Originate?

“Restorative Justice . . .
is not new. It is based
on ancient values and
practices that have
been at the core of
justice, religious, and
ethical traditions in
virtually all societies
world-wide.”



Historical Examples

In New Zealand, prior to European contact, the Maori had a well-developed system that protected individuals, social stability and the integrity of the group.



Historical Examples

In Native American and First Nation justice philosophy and practice, *healing, along with reintegrating individuals into their community, is more important than punishment.*

“I’ve been a judge all my life. I’ve handled cases; I’ve been a chief justice; I’ve written opinions; but my emphasis was peacemaking.”

--Robert Yazzie, Chief Justice
Navajo Nation Supreme Court--



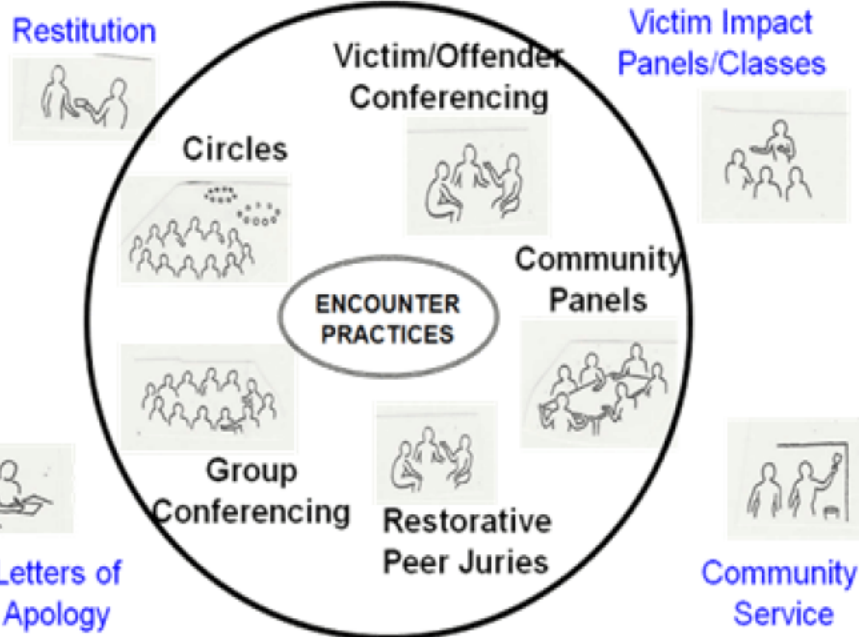
**What are the key components of
Restorative Justice?**

Contrasting Paradigms

Traditional Modern/Western Justice System	Restorative Justice
What rules or laws were broken?	Who has been hurt?
Who broke them?	What are their needs?
What do they deserve?	Who has the obligation to address the needs and put right the harm?

Multiple Forms, One Commonality: The Circle

This diagram describes restorative justice practices. Those within the large circle are encounter practices requiring specific training.



Case Study

Eugene, Oregon:

The case of the painted church

RJ has been used very successfully in the criminal justice setting, particularly in juvenile justice as a post-referral/diversionary practice.



Moving RJ Upstream: Implications for Restorative Justice in School Systems

RJ is a philosophy/framework with developed practices that can be embedded into the educational milieu

Applications

Relationship Building

Social Emotional Literacy

Awareness/Sensitivity Training

School Discipline

Conflict Resolution

Applications

Relationship Building

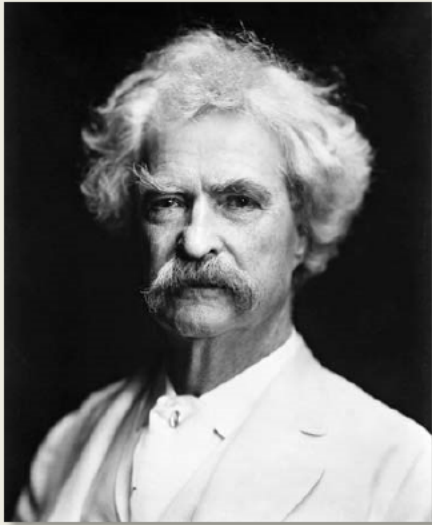
Social Emotional Skill Development

Awareness/Sensitivity Training

School Discipline

Conflict Resolution

Why use Restorative Justice in school settings?



“When I was a boy on the Mississippi River there was a proposition in a township there to discontinue public schools because they were too expensive. An old farmer spoke up and said if they stopped building the schools they would not save anything, because every time a school was closed a jail had to be built.”

Mark Twain Address at a meeting of the Berkeley Lyceum, New York (23 Nov 1900). *Mark Twain's Speeches* (2006), 69-70.

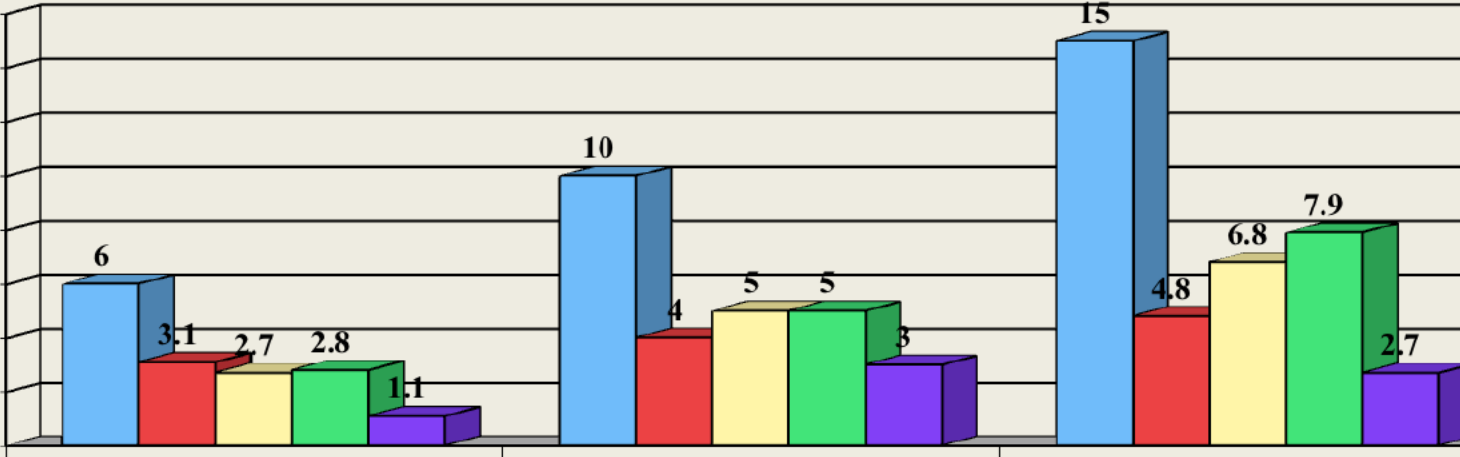
Disproportionality & the School to Prison Pipeline (STPP)

Vulnerable Student Sub-Groups:

- Race/Ethnicity
 - Gender
- **Disability Status**
 - LGBT
 - SES



Suspension as Percent of Enrollment By Race



1972-73

1988-89

2006-07

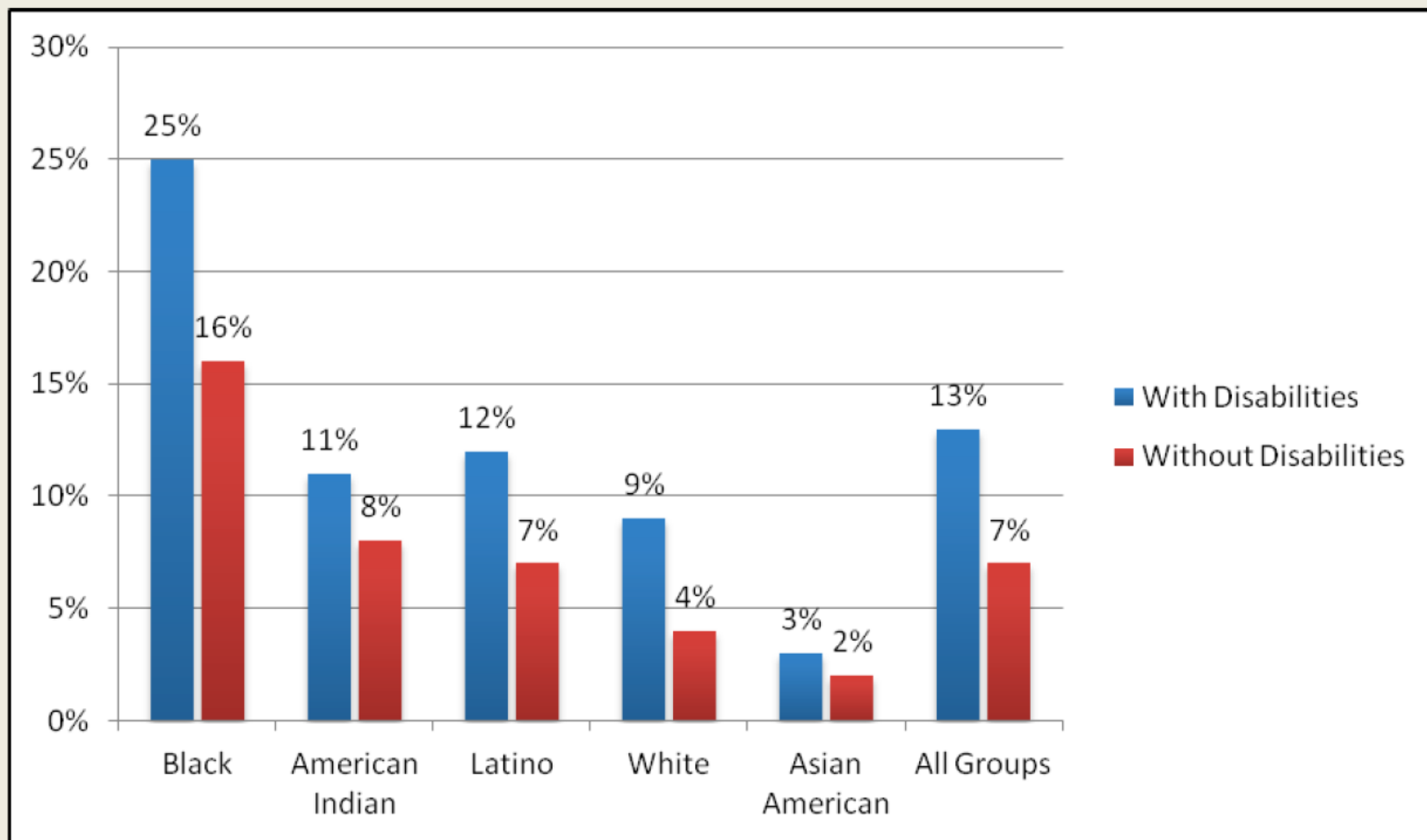
Percent suspended out-of-school for one day or more



Source: U.S. Department of Education-Office for Civil Rights; 1972-3 data is OCR data, but taken from Children’s Defense Fund, *School Suspensions; Are They Helping Children?* Cambridge, MA:Washington Research Project, 1975.

Figure 2. Impact by race and disability of the use of out-of-school suspensions, 2009-2010

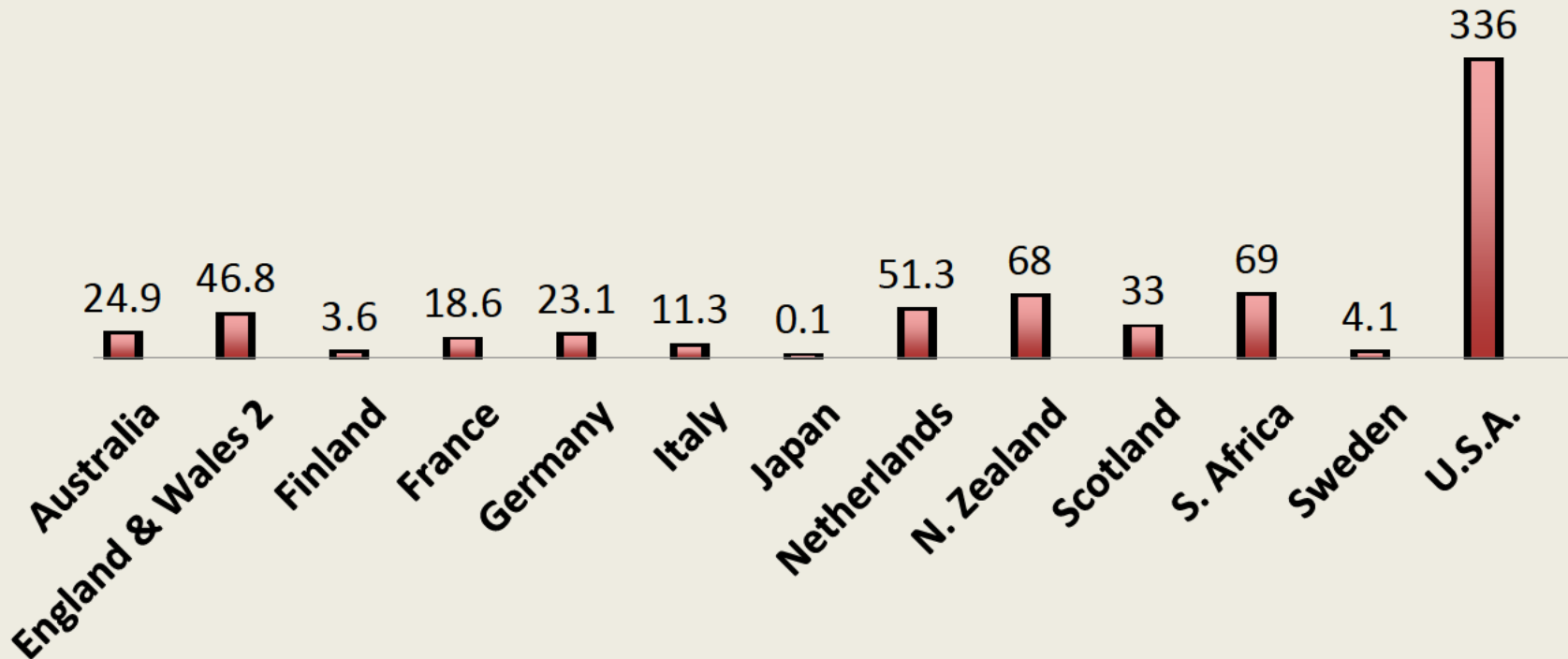
Source: Losen & Gillespie, *Opportunities Suspended: The Disparate Impact of Disciplinary Exclusion from School* (2012). (Data from CRDC 09/10 SY).



Juvenile Incarceration: An International Comparison

Source: Hazel, Neal, *Cross-National Comparison of Youth Justice*, London: Youth Justice Board, 2008.

■ Juv. Incarceration Rate per 100,000



How Many youth with Disabilities are in the Juvenile Justice System?

Although researchers agree that it is difficult to conduct meta-analytic studies on the prevalence of disability in juvenile justice systems, one study indicated that the rate of disability in this population ranges from 42-60%.

P. Perryman et al., Recidivism of Handicapped and Nonhandicapped Juvenile Offenders: An Exploratory Analysis (1989).

We have an opportunity to change the trajectory for our most vulnerable students by enhancing our focus on equity. School discipline/behavior management practices are a fundamental part of this endeavor.



Differentiated Instruction: Not Just for Academics

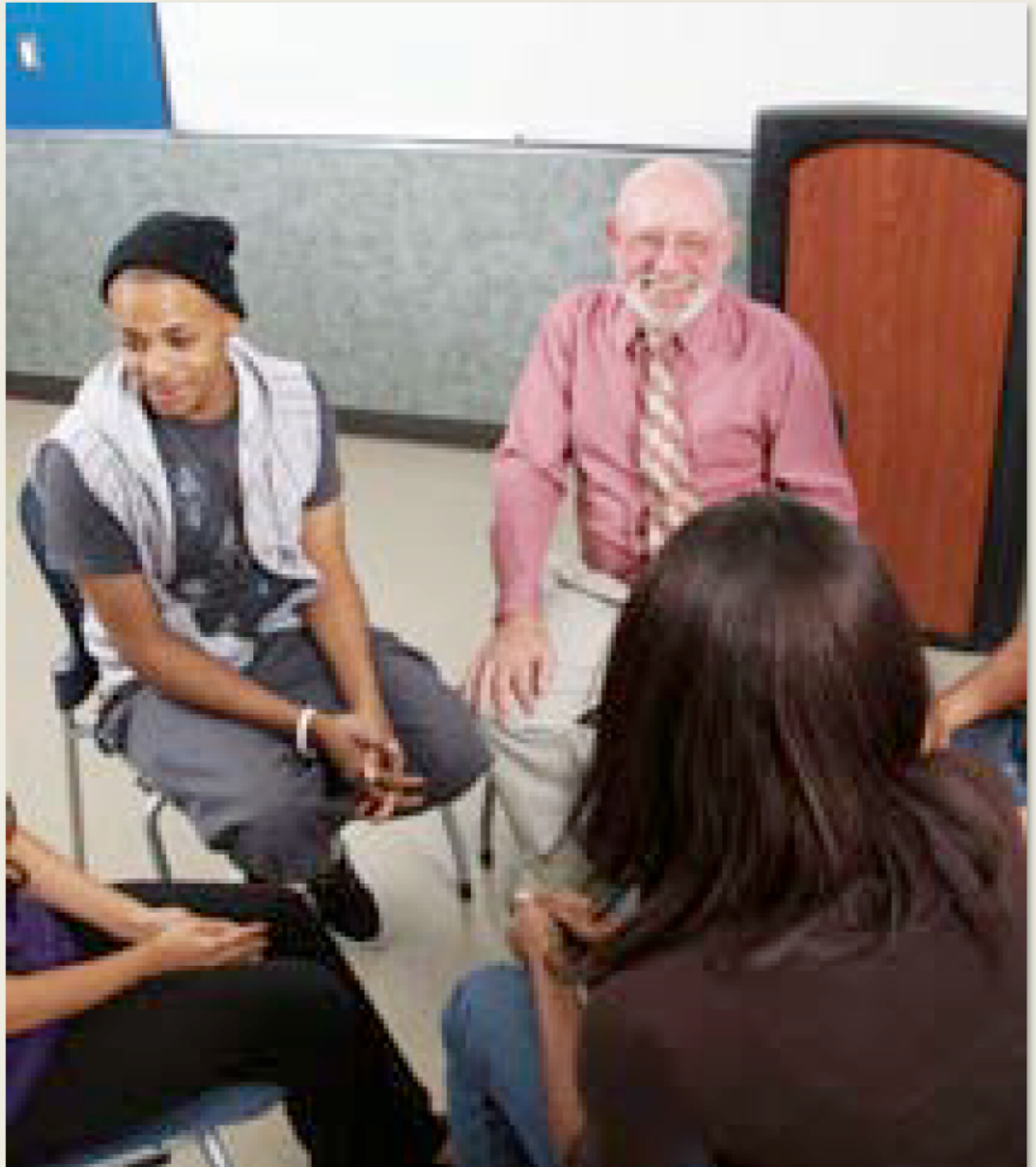
The biggest mistake of past centuries in teaching has been to treat all children as if they were variants of the same individual, and thus to feel justified in teaching them the same subjects in the same ways.

-Howard Gardner-



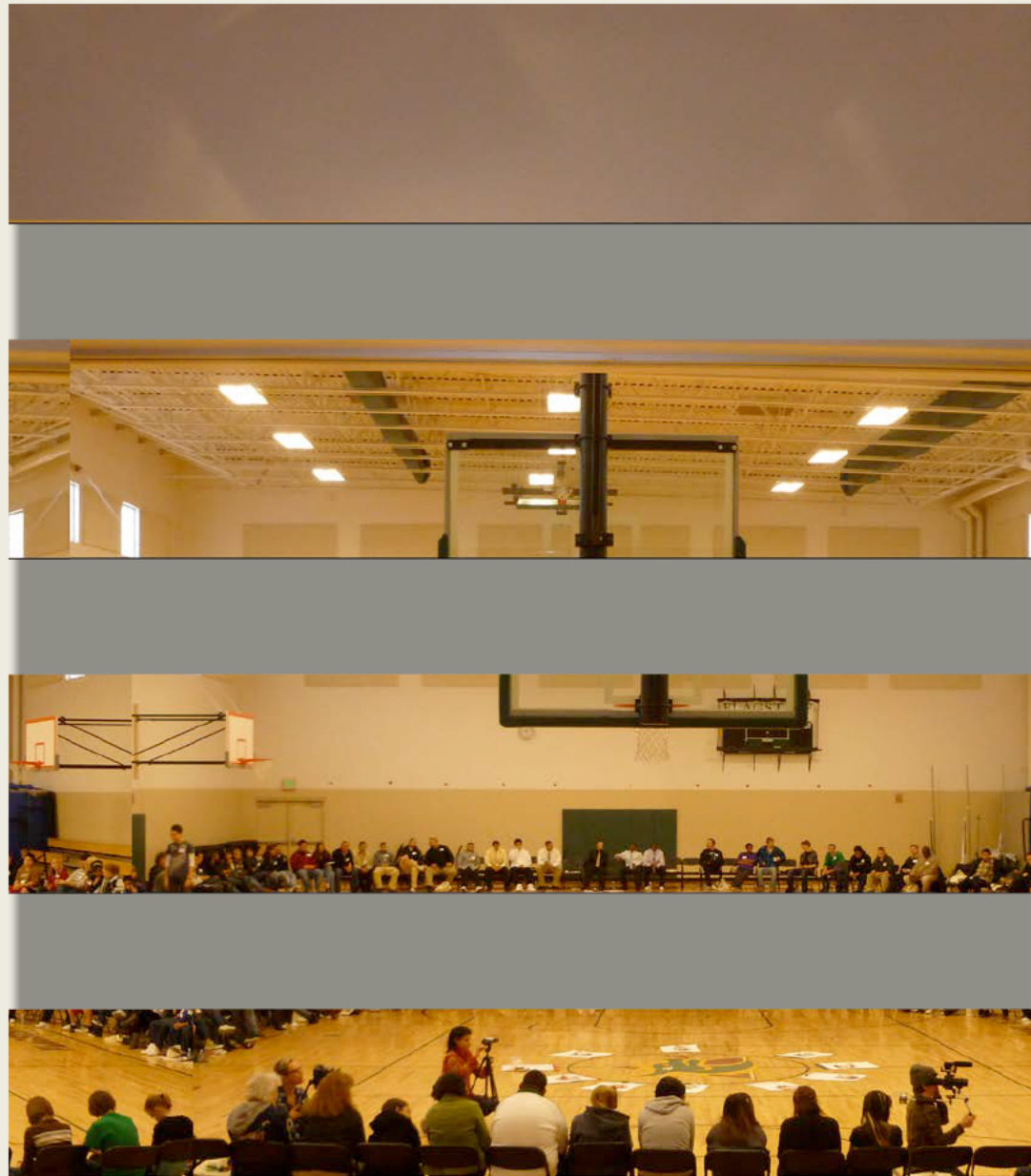
Circles used Proactively

- Check-in/Check-out
 - Deal with interpersonal, academic, or both
 - “Hot seat”
- Establishing behavioral expectations, class rules, and class decisions
- Awareness/Sensitivity Training (e.g., bullying prevention)
- Discussing/planning course content



Circles Used Responsively

- To address wrongdoing
- Address problem behaviors in class
- Alternative to suspension/expulsion
- Bullying
- Truancy
- “Baggage” from outside
- Reintegrate members back into the community



RJ Embedded into the Educational Milieu

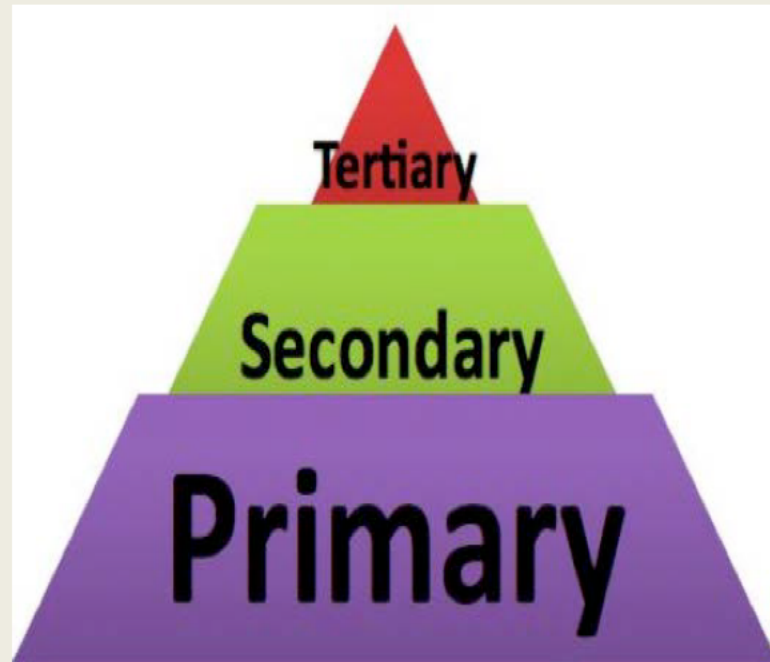
“Restorative Justice is not just another program to be imposed on schools. It does not push out current initiatives. Restorative practices working independently or alongside promising programs can collectively provide tools to re-think and then build a caring culture in a school.”

Multi-Tiered Systems of Support (MTSS): “The Pyramid”

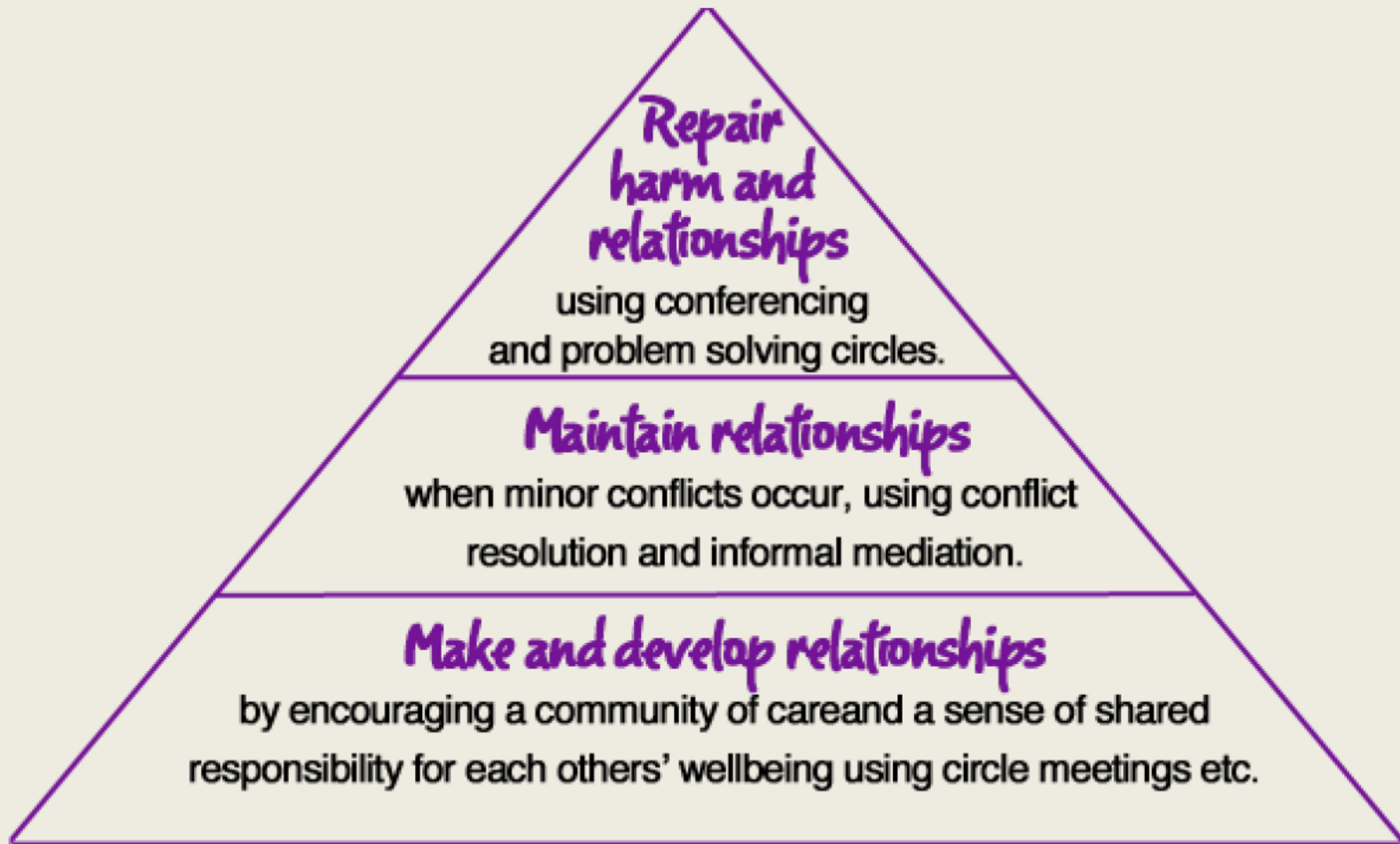
The terms primary, secondary and tertiary prevention were first documented in the late 1940s by Hugh Leavell and E. Guerney Clark from the Harvard and Columbia University Schools of Public Health.

This paradigm . . . has informed the strategic development of policies plans and programs in the delivery of the health services in most jurisdictions throughout the world.

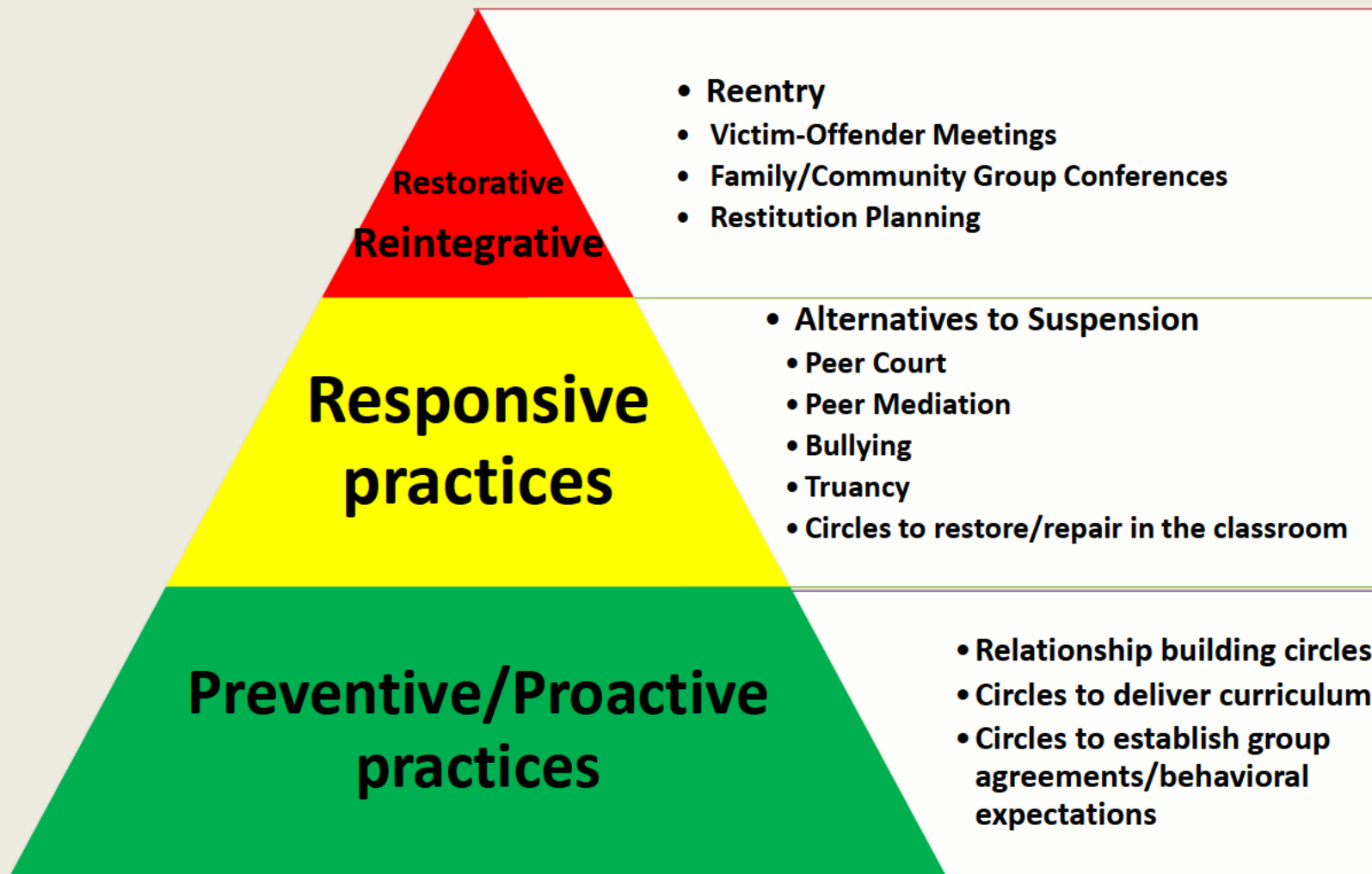
Leavell & Clark (1965)



Integrating Restorative Practices to Augment MTSS Model in Schools



Restorative MTSS



Are there current examples of restorative practices being used in school communities?

RJ in Schools: Promising Practices

- Denver, CO
- Minnesota
- Oakland, CA
- San Francisco, CA
- Eugene/Portland, OR

The Colorado Experience: 15 years post-Columbine

- Between 2000-2004, Denver experienced 71% increase in school referrals to law enforcement. The majority of the referrals were for minor behaviors. Dangerous/threatening behaviors accounted for only 7% of the referrals.
- In 2012, CO passed the *Fair Discipline in Schools Act*, one of the most far reaching state school discipline reform laws, putting Colorado at the forefront of the movement to end zero tolerance.
 - RJ is central to the law requiring schools to “use prevention, intervention, restorative justice, peer mediation, counseling, and other approaches to address student misconduct.” (SB 12-046)

Denver

- Denver Public Schools (DPS)
 - 2004/5 School Year
 - African-American Students: 19% of school population but 33% of OSS and 35% of all expulsions.
 - Latinos: 57% of student population but 70 % of all tickets issued to students for misconduct.
 - Three year grant from Colorado DOE provided funding for implementation of RJ in pilot schools
 - Collaborated with three community nonprofits:
 - *Victim Offenders Reconciliation Program*;
 - *Padres y Jovenes Unidos*, and
 - *Restorative Solutions, LLC*

More information

*DPS Restorative Justice Project: Year Three-year End Report-
2008-2009.*

Prepared and submitted to Denver Public Schools by
Myriam L. Baker, PhD.-Outcomes, Inc.

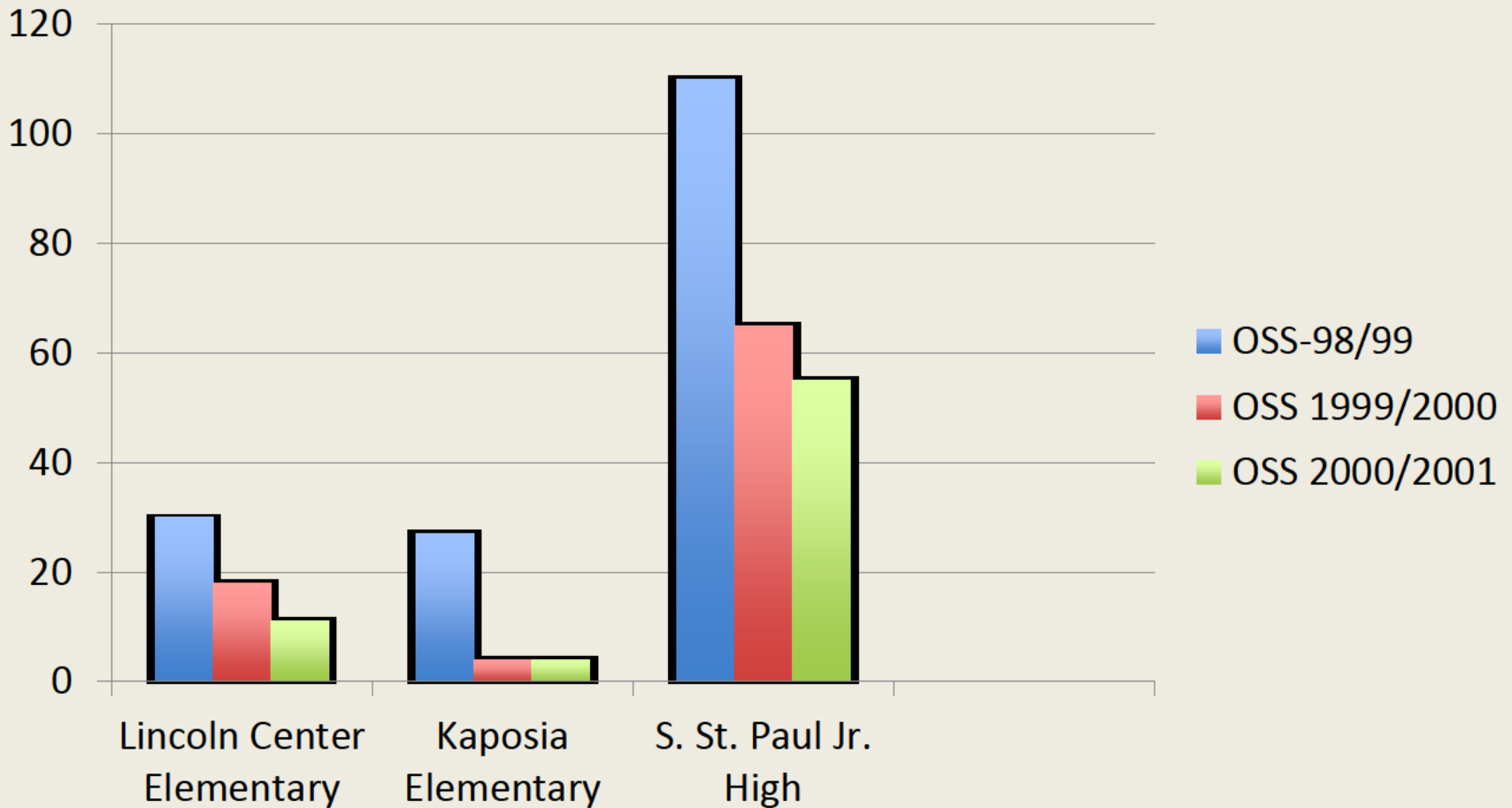
<http://www.restorativejusticecolorado.org/restorative-justice-in-schools.html>

Minnesota

- 1995-MN DOE charged with constructing a 5-year plan to reduce violence through the public school system.
- Administrative personnel, teachers, corrections officers, interested citizens were trained in restorative conferencing techniques.
- 1998: 4 districts received \$300,000 each from the MN state legislature to scale up with an additional 3 year project.

Minnesota Preliminary Results

OSS=Out of School Suspensions



N.S.J. Elementary and Ramsey Intl Fine Arts Center reported OSS decrease of 63% & 45% respectively; Princeton High Reported saving 18 ISS days and 30 OSS days.

Stinchcomb, Bazemore, and Reistenberg, 2006

Minnesota

More information:

Stinchcomb, J., Bazemore, G., Riestenberg, N., & (2006). Beyond zero tolerance: Restoring justice in secondary schools. *Youth Violence & Juvenile Justice*, 4(2), 123-147. doi: 10.1177/1541204006286287

Oakland Unified School District

Scope of the Problem:

34% of the OUSD student population is African American, yet they received...

- 67% of out of school suspensions
- 50% of expulsions
- 40% do not graduate from high school
- Since 2005, 66% of OUSD students who dropped out had contact with the criminal justice system

Partnership with local nonprofit - Restorative Justice for Oakland Youth (RJOY)

- 2007-Pilot started at Cole Middle School. Reduced suspensions by 75%.
- By May 2008, nearly 20 Oakland Unified School District (OUSD) principals requested training to launch programs at their sites.
- On January 27, 2010, the OUSD Board of Directors passed a **resolution adopting restorative justice as a district wide practice.**

“Cross-pollination” to create Systems of Care

- RJOY worked with local juvenile court judges to convene a Restorative Justice Task Force. A planning process included approximately 60 program directors—including probation, court, school, and law enforcement officials, as well as community-based stakeholders.
- In 2009, the group produced a Strategic Plan that charts reform of the county’s juvenile justice system through institutionalization of restorative justice.

Oakland

More Information:

Oakland Unified School District:

<http://www.ousd.k12.ca.us/Domain/134>

Restorative Justice for Oakland Youth:

<http://rjoyoakland.org/>

OREGON

HB 2192 was passed with unanimous votes in the Oregon House and Senate in 2013. Effective 7/1/14.

Adds additional guidance to school districts for making decisions about discipline, including:

- Keeping students in class as much as possible in order to maximize their opportunities to learn;
- Providing opportunities for students to learn from their mistakes;
- Using research-based interventions as much as is practicable.
- Adds a 10 school-day limit to complete a mental health risk assessment for a student when the school administrator elects this option. Specifies that school policies are designed to impose discipline without bias against students from protected classes.
- Requires districts to ensure that policies comply with state and federal laws concerning students with disabilities.

Oregon: Portland

- Dept. of Community Justice and City of Portland funded Portland nonprofit *Resolutions Northwest* to conduct a three-year pilot implementing RJ in Portland area schools.
 - Grant HS - 96% drop in suspensions over 4 year period
 - Rigler Elementary - 40% drop in suspensions one (12-13) school year, accompanied by 33% drop in “minor” disciplinary referrals.
- 5 new pilot schools came online this year
- Strong partnership with Portland Parent Union (restorative listening dialogue)

Portland

More Information:

Resolutions Northwest:

<http://resolutionsnorthwest.org/>

Portland Parent Union:

<http://www.portlandparentunion.com/>

Oregon: Eugene

UO Research/Outreach team obtained seed \$ to partner with local nonprofits and one local high school in developing and piloting a program that integrates RJ with PBIS:

Partners:

- UO College of Education
- UO School of Law/Conflict Resolution Program
- Center for Dialogue and Resolution
- North Eugene High School

Eugene Pilot: Lessons Learned

- Staff buy-in
 - Competing interests (CCSS, standardized testing)
 - Initiative fatigue
- “Soft on crime” perception
- Resources: time, \$
- Engaging families

The Importance of Parent/Family Engagement

“I always have to remind people that the biggest ingredient in school performance is the teacher. That’s the biggest ingredient within a school. But the single biggest ingredient is the parent.

--President Barack Obama--

“Parents have become so convinced that educators know what is best for their children that they forget that they themselves are really the experts.”

--Marian Wright Edeleman--

What Does the Research Say on the Importance of Family Engagement?

- Parent involvement at home and at school has a measurable impact on student performance in school, and is particularly important for English learners and students from low-income families.
- Improved communication between teachers and parents increases student engagement as measured by homework completion rates, on-task behavior and class participation.
- At-risk behaviors such as alcohol use, violence and other anti-social behaviors decrease as parent involvement increases.



Parting Thoughts

How can we create strong, authentic school/parent/community partnerships using RJ principles and practices?

“Relationships are stronger than metal detectors”

--Anonymous school administrator--

Major RJ Sites

- [International Institute for Restorative Practices: http://www.iirp.edu/](http://www.iirp.edu/) Training, articles, world news and peace
- [Real Justice: http://www.realjustice.org/](http://www.realjustice.org/) Get the latest in RJ News, trainings and resources
- [Restorative Justice Online: http://www.restorativejustice.org/](http://www.restorativejustice.org/) Global RJ activity and policy issues
- [Center for Restorative Justice Peacemaking: http://www.cehd.umn.edu/ssw/rjp/](http://www.cehd.umn.edu/ssw/rjp/) of the University of Minnesota Promoting restorative dialogue worldwide
- [Center for Peacemaking and Conflict Studies of Fresno Pacific University: http://peace.fresno.edu/](http://peace.fresno.edu/) Job and career opportunities, continuing education
- [Eastern Mennonite University Conflict Transformation Program: http://www.emu.edu/cjp/grad/](http://www.emu.edu/cjp/grad/) One of the first North American programs to offer an MA in the conflict and peace building fields.
- [Restorative Justice Initiative, Marquette University Law School: http://law.marquette.edu/rji/](http://law.marquette.edu/rji/) One of the most integrated restorative justice programs among the American Bar Association
- [United Methodist Church Restorative Justice Video resources: http://justpeaceumc.org/](http://justpeaceumc.org/) information for church-related programming

Major RJ Sites

- [The Centre of Restorative Justice, British Columbia: http://www.rjbc.ca/](http://www.rjbc.ca/) Good search library, Canadian news
- [Restorative Justice Society: http://www.restorativejusticesociety.net/](http://www.restorativejusticesociety.net/) Connecting RJ professionals worldwide

Government Sites about Restorative Justice

- [Balanced and Restorative Justice in the Office of Juvenile Justice and Delinquency Prevention \(OJJDP\): http://www.ojjdp.gov/pubs/implementing/balanced.html](http://www.ojjdp.gov/pubs/implementing/balanced.html)
- [National Institute of Corrections: http://nicic.gov/](http://nicic.gov/) Library section: # 017207 article on restorative justice principles and practices
- Parallel Justice for victims of crime

Articles about Barron County Restorative Justice

- [Barron County Restorative Justice Programs: Partnership Model of Government and Community Resources http://bcrijp.org/wp-content/uploads/2011/10/OJJDP_Journal_Chapter5.pdf](http://bcrijp.org/wp-content/uploads/2011/10/OJJDP_Journal_Chapter5.pdf) by Ted Lewis (in Journal of Juvenile Justice with OJJDP, Fall, 2011):
- [Barron County Restorative Justice: the Role One Program Played in Reducing Juvenile Crime and Restoring Lives http://www.americanhumane.org/assets/pdfs/children/protecting-children-journal/pc-24-4.pdf](http://www.americanhumane.org/assets/pdfs/children/protecting-children-journal/pc-24-4.pdf) (in *American Humane*, by Eric Kasper, PhD, JD, and Mary Hoeft, MAT Statistics and case narratives:

Major RJ Sites

Restorative Justice in Schools

- [International Institute for Restorative Practices: http://www.iirp.edu/](http://www.iirp.edu/)
- [SaferSanerSchools: http://www.saferanerschools.org](http://www.saferanerschools.org) Excellent start-up information for schools, bullying information

Regional Restorative Justice Coalitions

- [Wisconsin Restorative Justice Coalition: http://wrjc.net/](http://wrjc.net/)
- [Minnesota Restorative Services Coalition: http://www.mnmrsc.org/](http://www.mnmrsc.org/)
- [Northwest Justice Forum: http://www.nwjusticeforum.com/#/2012Nwj](http://www.nwjusticeforum.com/#/2012Nwj)

Blogs

- [Howard Zehr: http://emu.edu/now/restorative-justice/](http://emu.edu/now/restorative-justice/) Pioneer of restorative justice
- [Dr. Tom Cavanagh: http://restorativejustice.com/](http://restorativejustice.com/) Restorative Practices in Schools and the culture of care
- [Kris Miner: http://www.circle-space.org/](http://www.circle-space.org/) Wisconsin Restorative Justice practitioner and circle work

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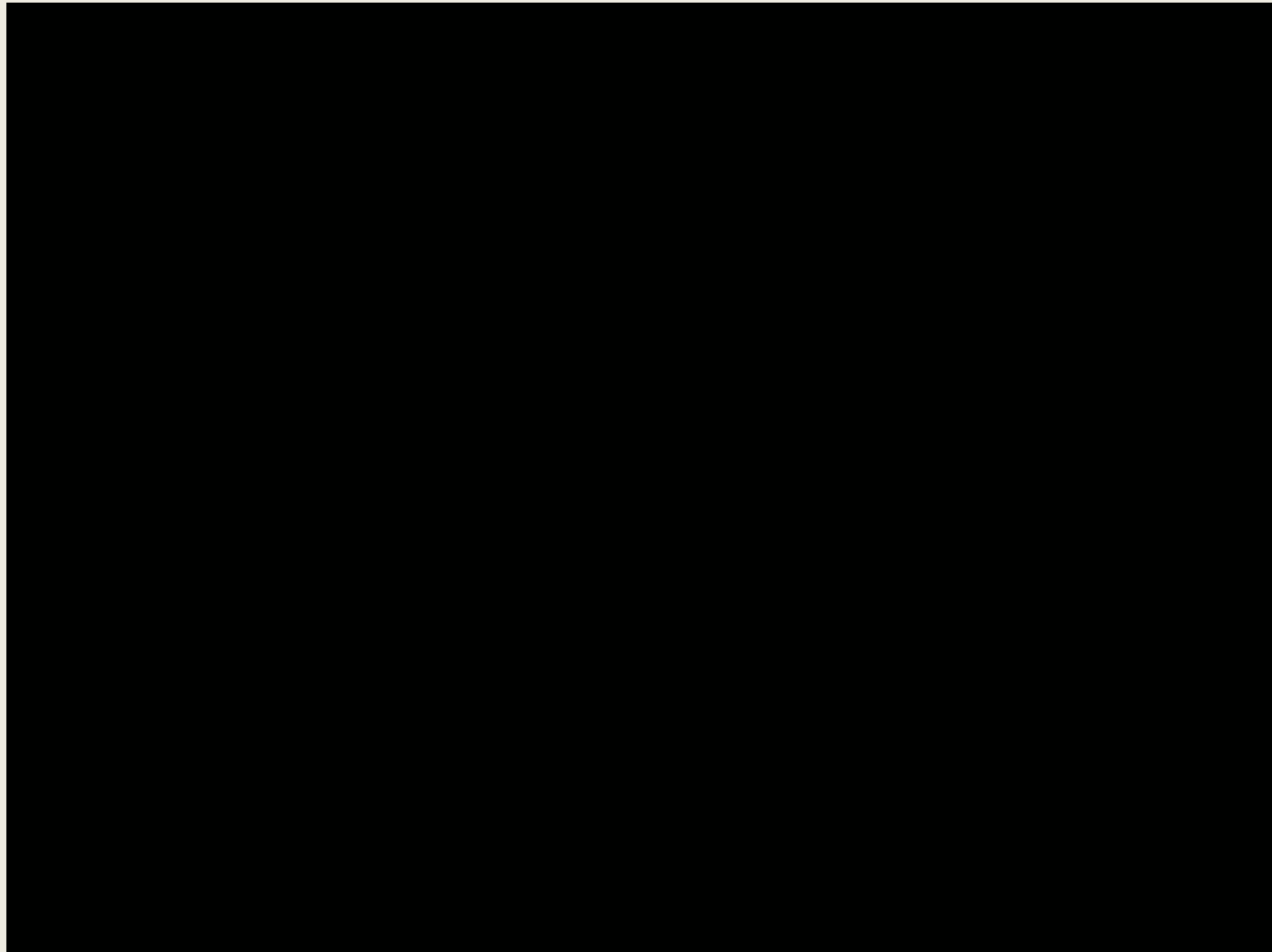
Questions, Comments, Sharing of Ideas/Knowledge



Family Involvement in Restorative Circles:

[Oakland Unified School District:](#)

<http://www.ousd.k12.ca.us/Domain/134>





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Parent Center Initiatives with Early Dispute Resolution

with CADRE Associate Director, Philip Moses and various parent center leaders across the nation

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<http://www.directionservice.org/cadre/parentsearlydr.cfm>