

Using the Restorative Peer Court Program to Address Conflict with Students with Special Needs



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CADRE Symposium

October 18, 2017

Learning Objectives

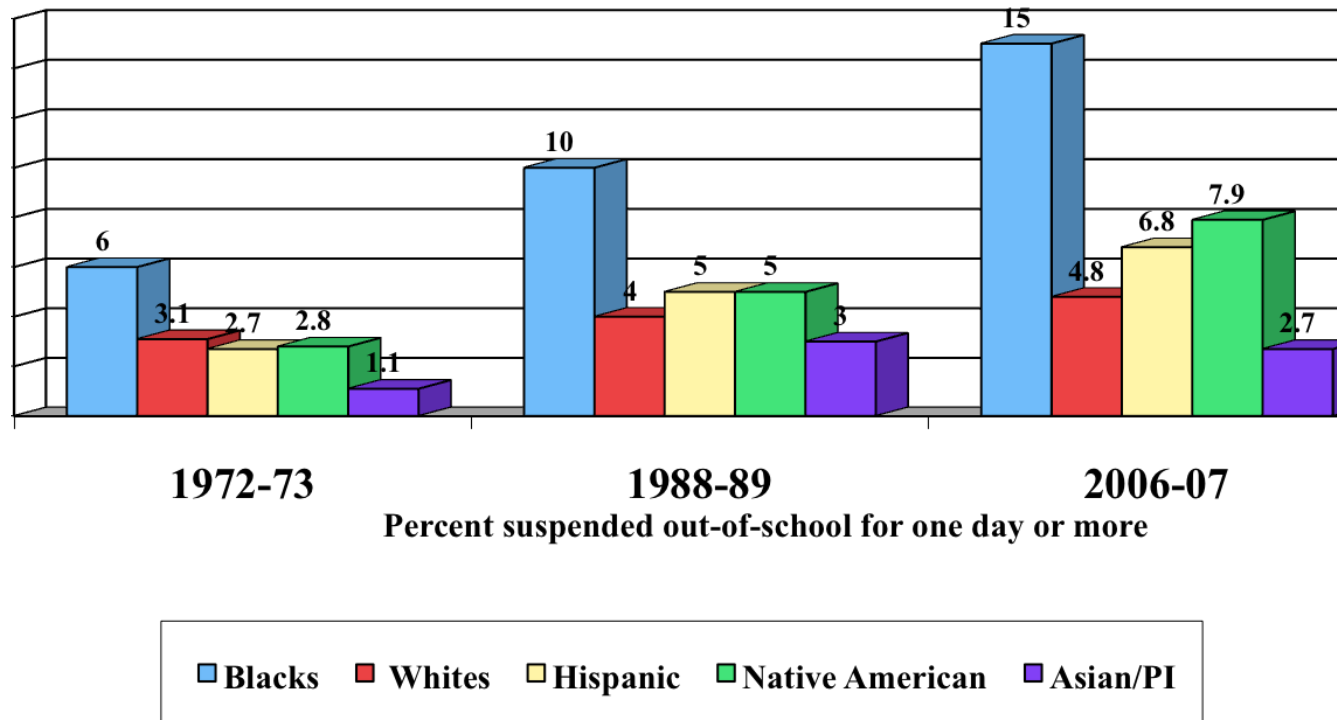
- Orientation to current RJ initiatives underway in the Eugene, OR area:
 - Restorative Peer Court-Center for Dialogue and Resolution
 - Positive and Restorative Investment for Discipline Reform in Education (PRIDE)
- Discussion on ways the emerging models can be successfully implemented with students with disabilities in school settings.
- Explore tools and exercises for implementing an RJ program that meets the needs of student with disabilities using implementation science principles

Start with WHY?

Why spend time learning, practicing, and implementing restorative justice in schools?

History of disciplinary inequity

Suspension as Percent of Enrollment By Race



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.

“Research on the frequent use of school suspension has indicated that, after controlling for race and poverty, higher rates of out-of-school suspension correlate with lower achievement scores, or showed no academic benefits as measured by test scores and were predictors of higher dropout rates.”

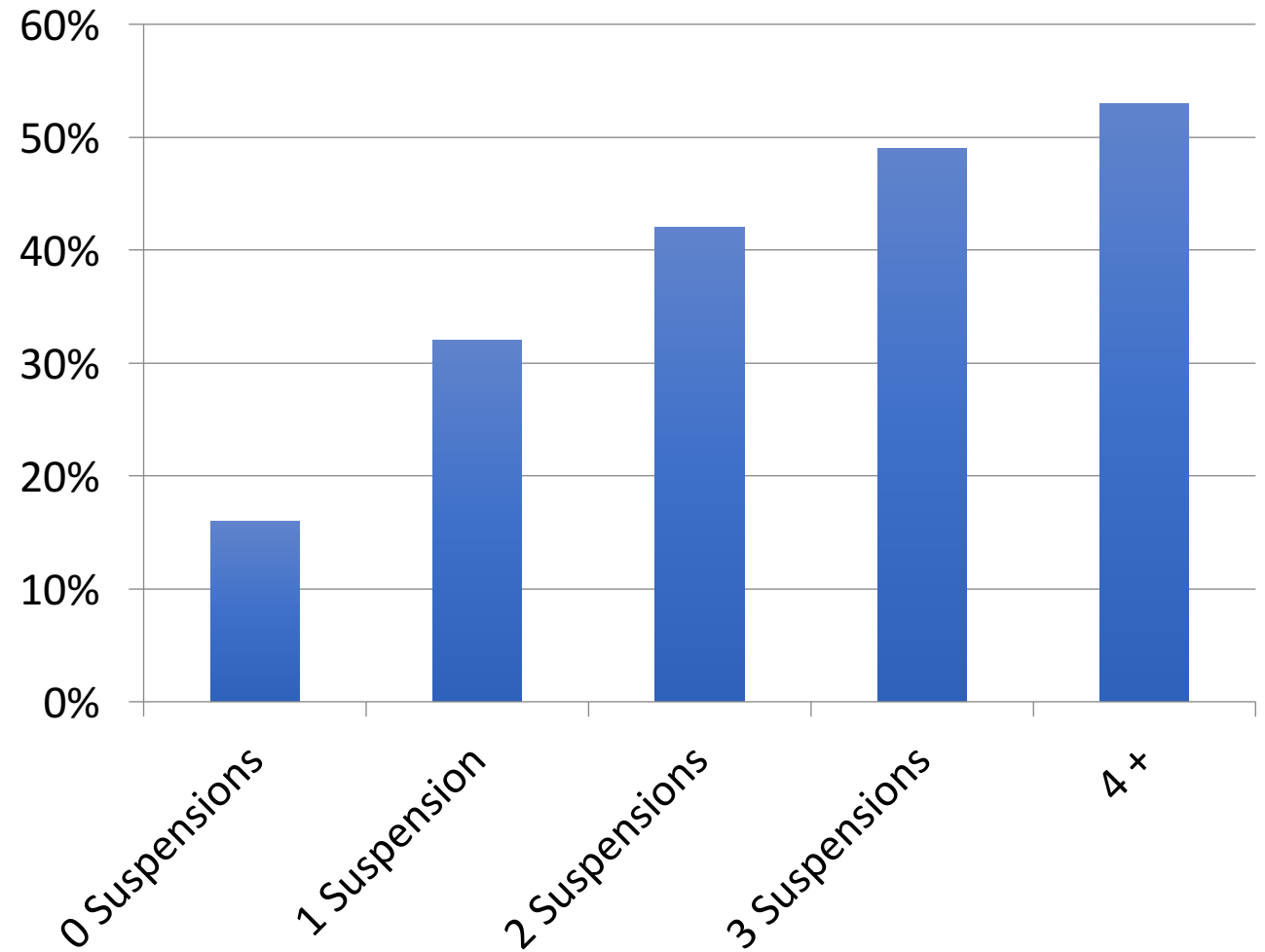
Source: Losen, J (2012)-*Sound Discipline Policy for Successful Schools*, citing Skiba & Rausch (2006); and Fabelo et al., (2011)

Research Findings

High School Dropout Rates by 9th Grade Out-of-School Suspensions

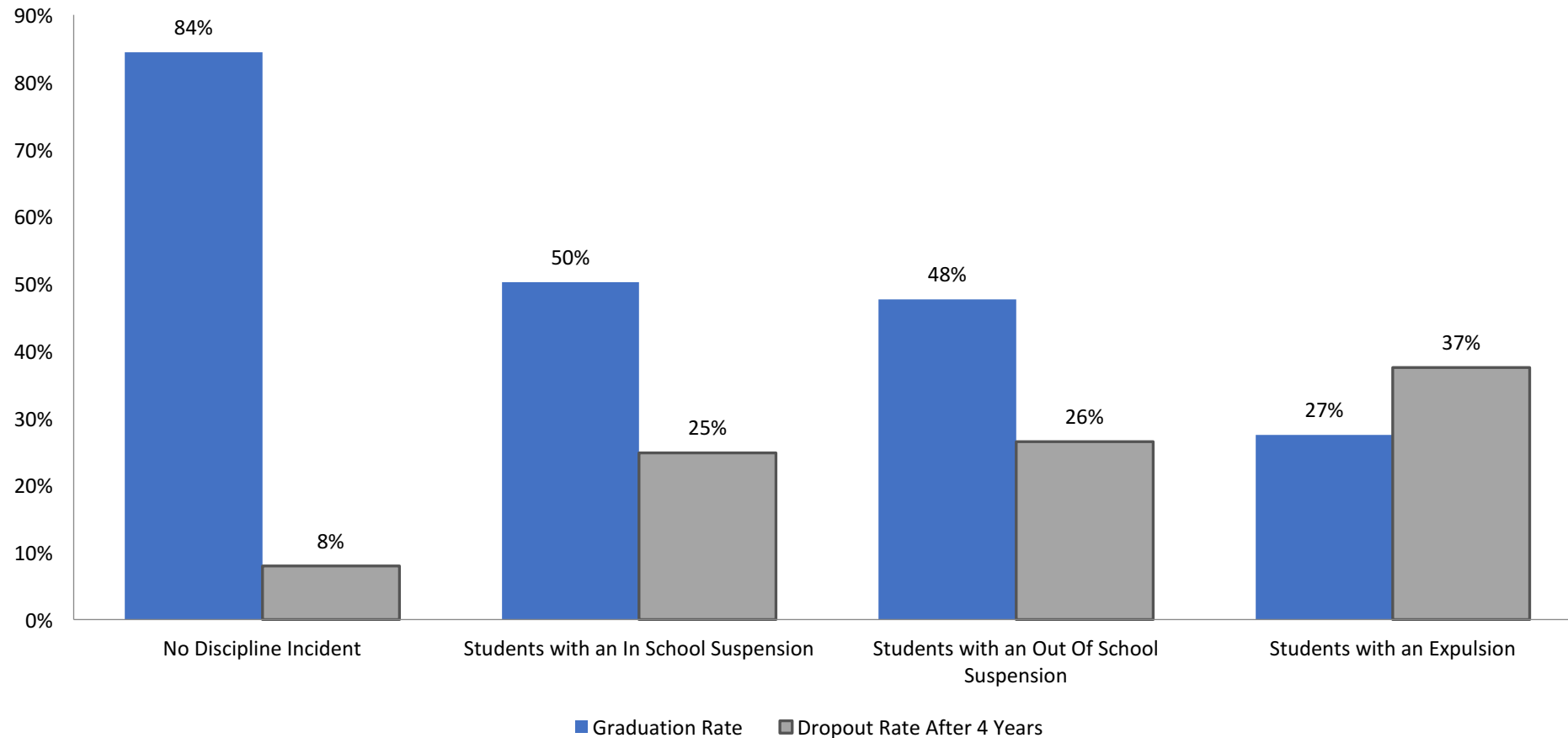
(Balfanz, et al. 2014)

- **Longitudinal study of 181,897 Florida students from 9th grade through two years past expected date of graduation.**
- **Controlled for demographics, attendance, and course performance**



Oregon

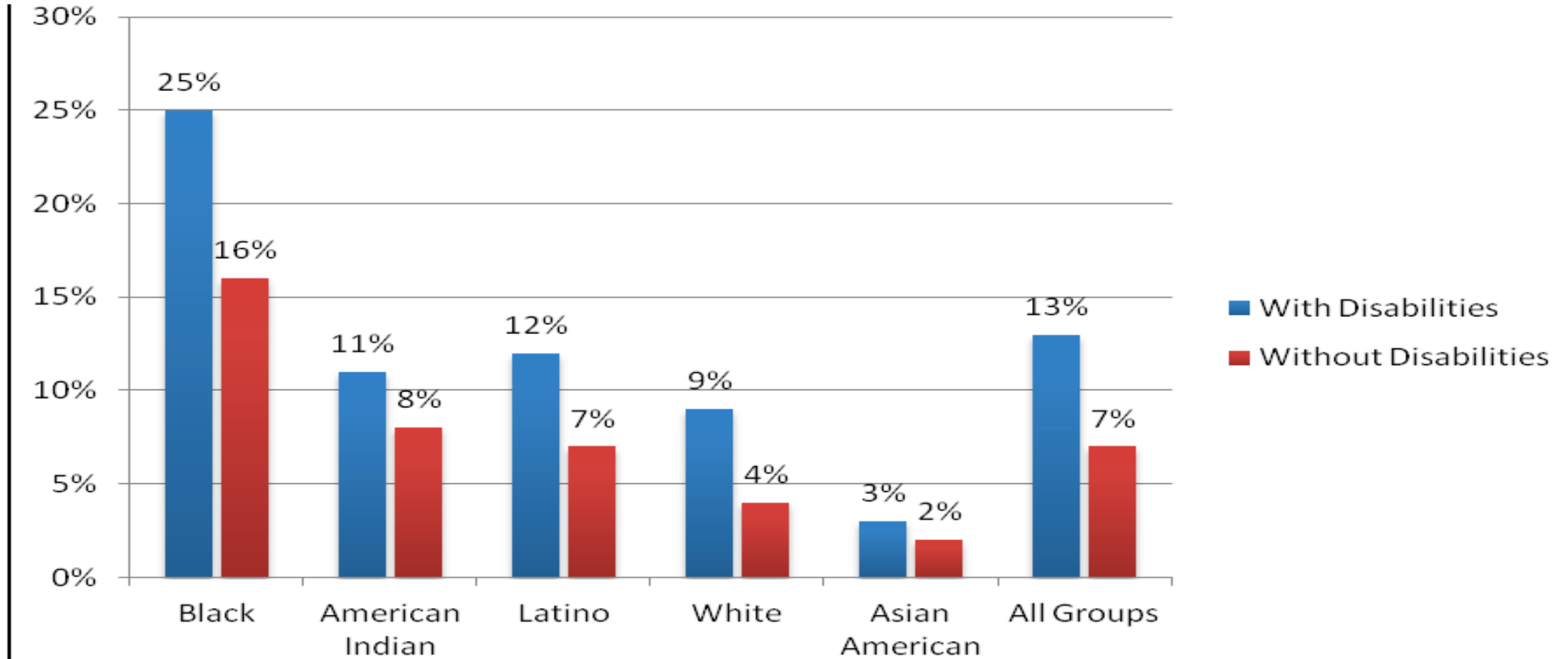
Student Completer Rates for Students with 1 or More Discipline Incidents 2008-2009 Cohort



What about vulnerable student subgroups?

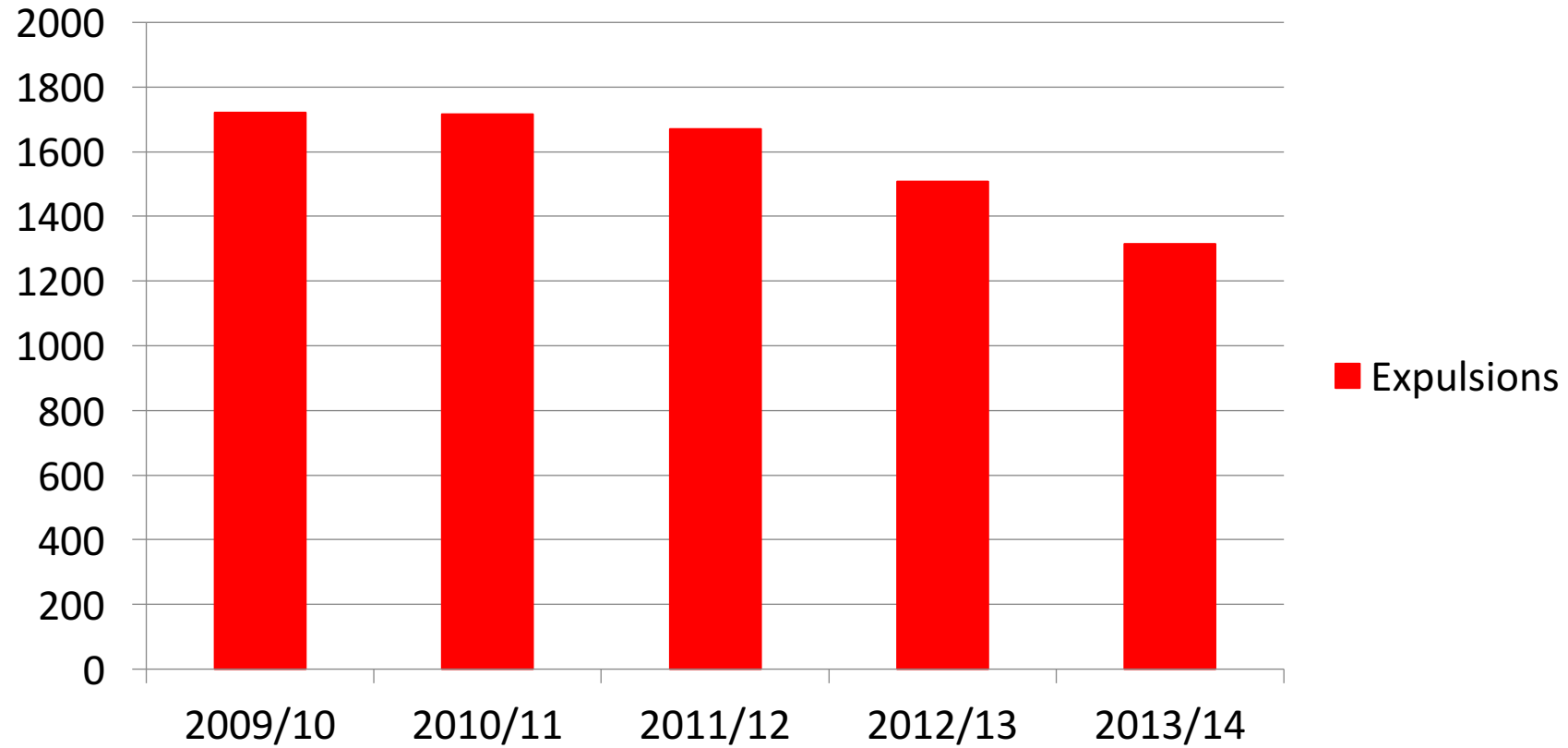
Figure 2. Impact by race and disability of the use of out-of-school suspensions, 2009-2010

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



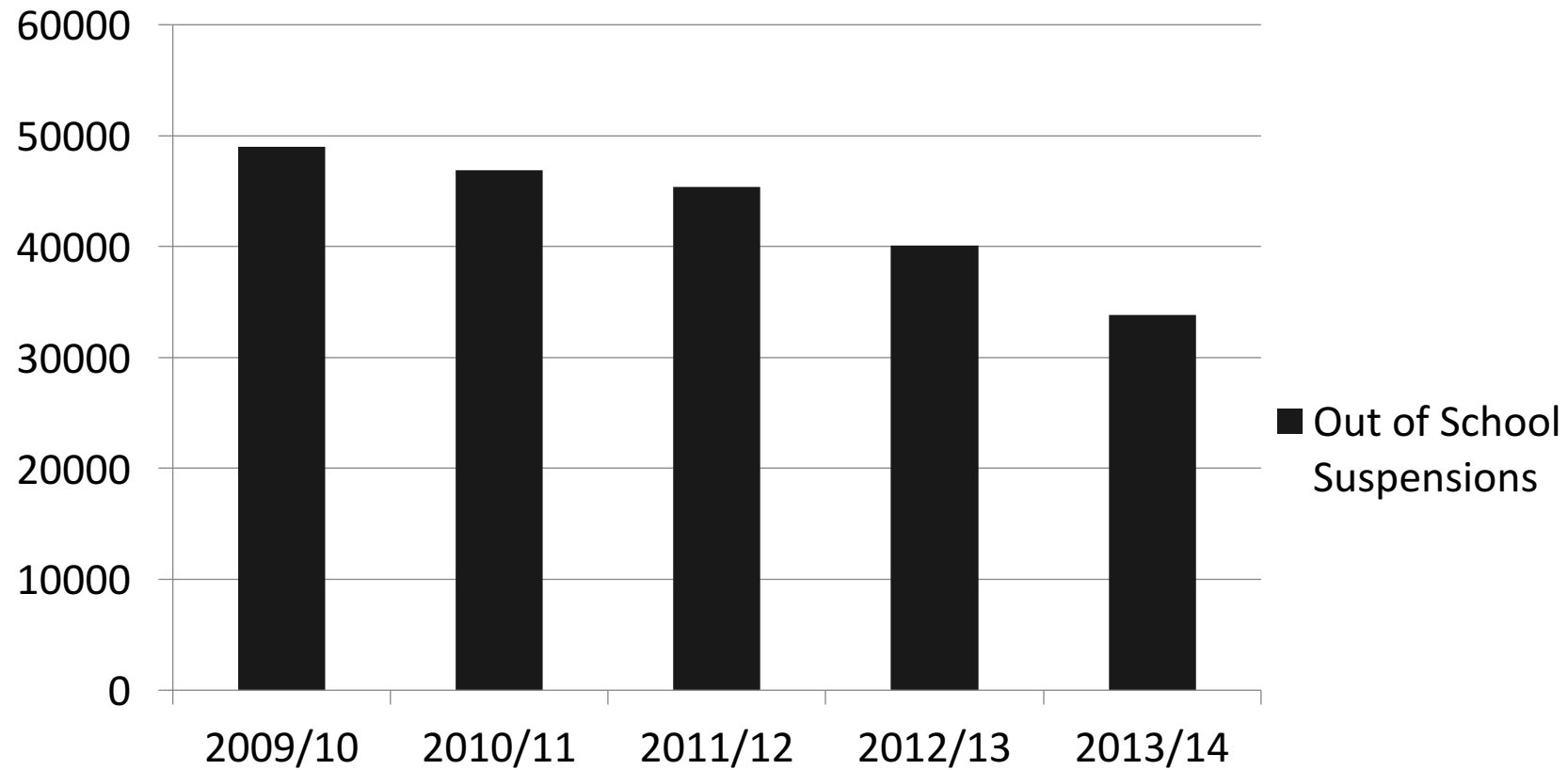
Oregon Statewide Data 2009-2014

Expulsions

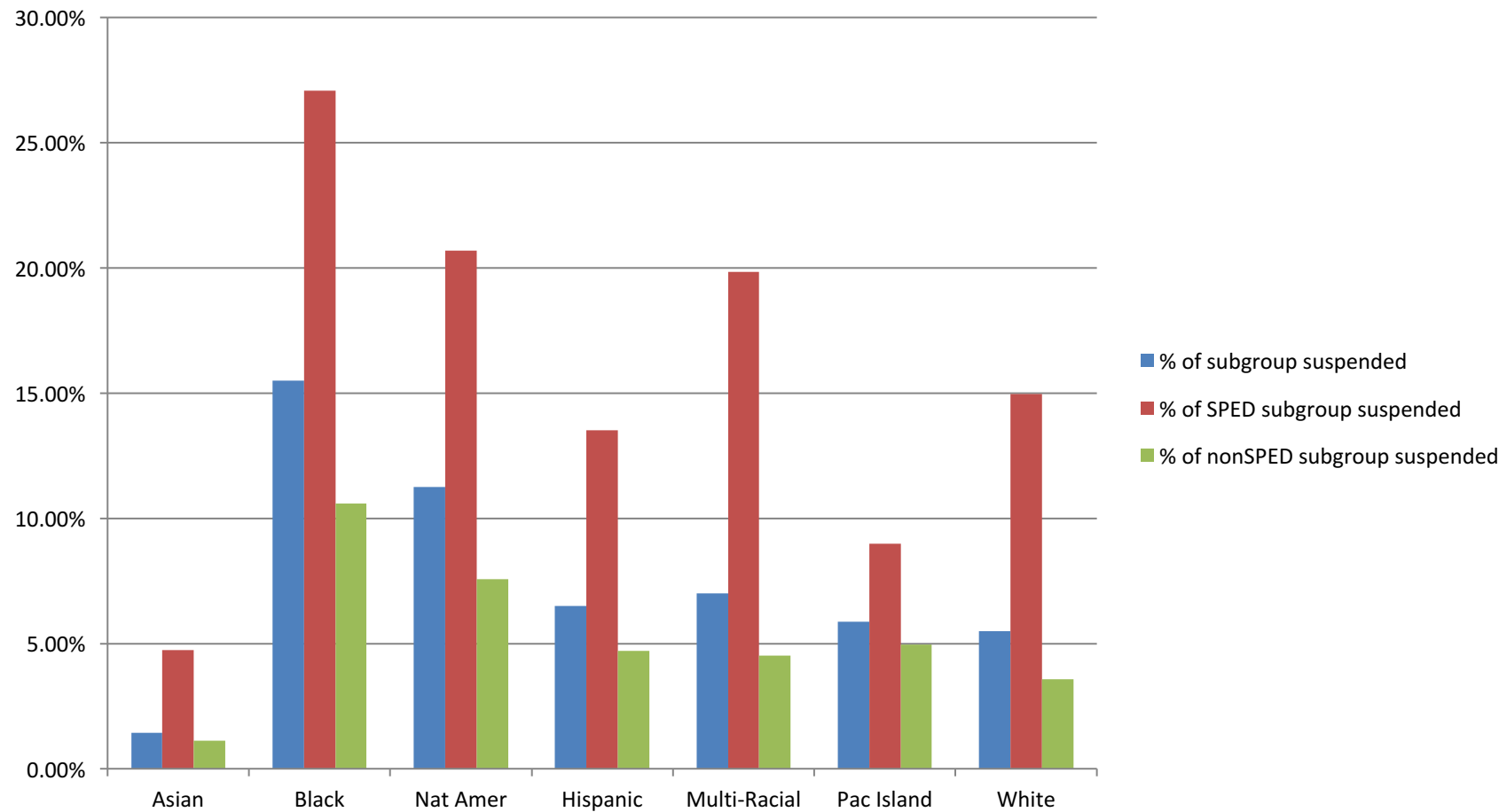


Oregon Statewide Data 2009-2014

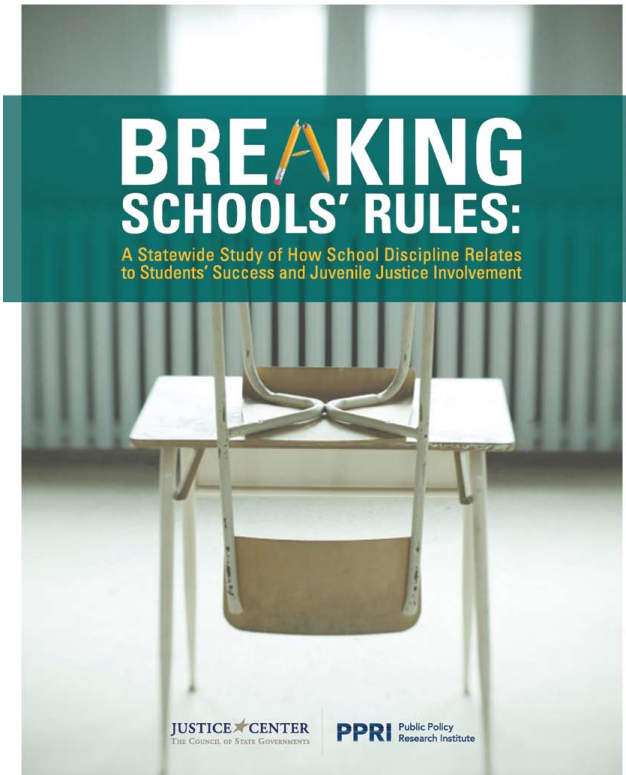
Out of School Suspensions



OSS-SY 13/14

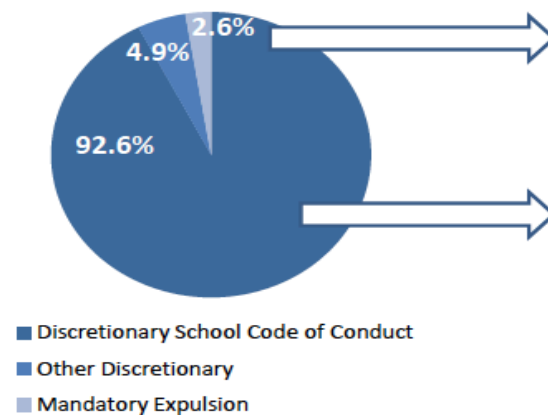


How is suspension/expulsion being used?



Most Violations Were Discretionary Violations -- Not Mandatory Violations

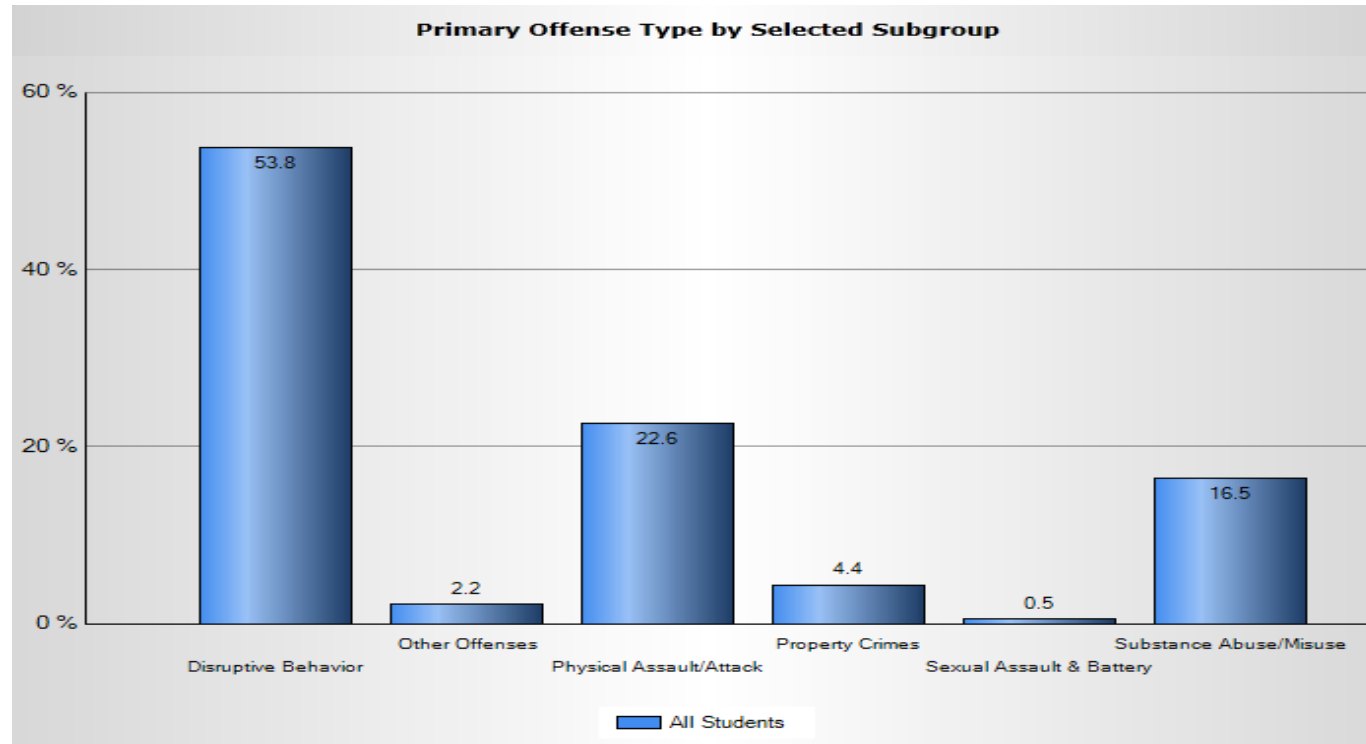
Percent of Students Discretionary vs. Mandatory Violation



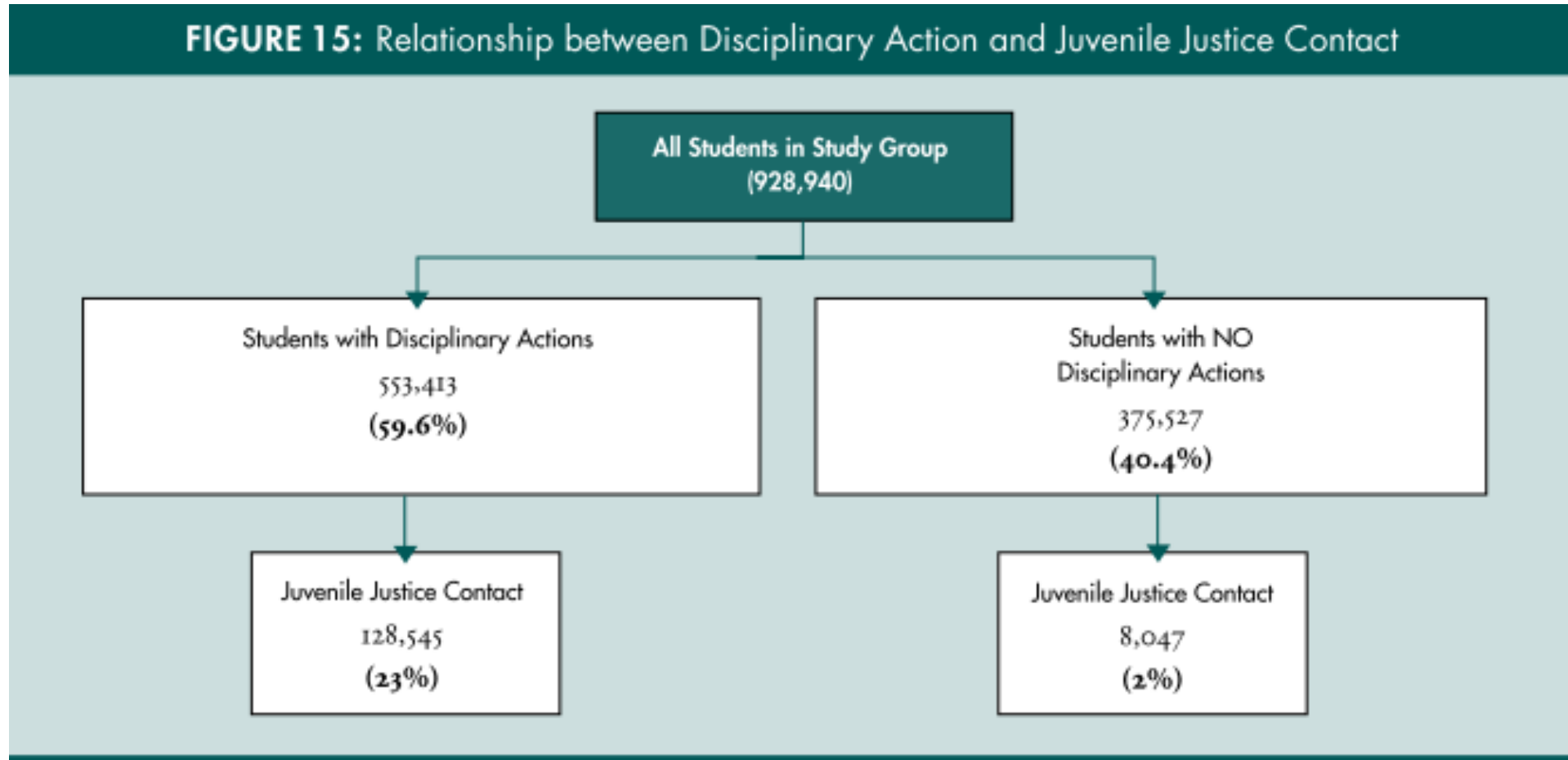
Mandatory
Less than three percent of violations were related to behavior for which state law mandates expulsion or removal

Discretion
Nine times out of ten, a student was suspended or expelled for violating the school's code of conduct

How is suspension/expulsion being used in Oregon? SY 14/15



School Discipline & Juvenile Justice



(Fabelo et al. 2011)

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



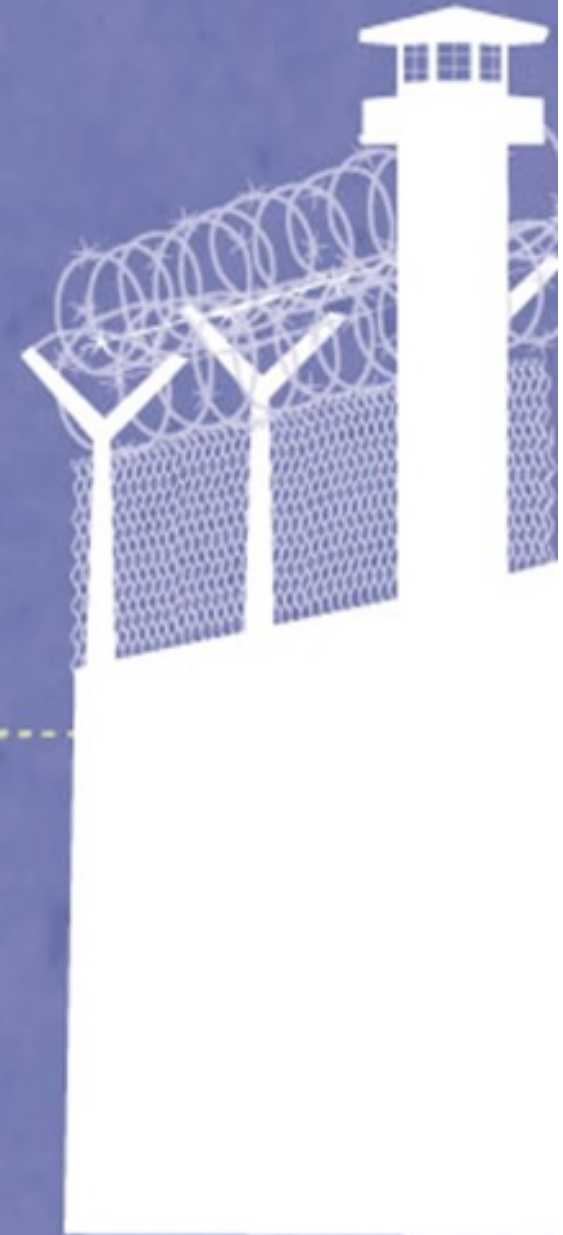
KIDS WITH DISABILITIES

Are entering the
juvenile justice
system at a rate

5 TIMES

higher than

YOUTH IN THE GENERAL POPULATION



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).

Youth with Disabilities in Juvenile Corrections: A National Survey

Exceptional Children

Vol. 71, No. 3, pp. 339-345

“During the 2000-2001 school year, 8.8% of students ages 6 to 21 in the United States were served under IDEA (U.S. Department of Education, 2001). Our data indicate that the **number of youth identified and receiving special education services in juvenile corrections is almost four times higher (33.4%) than in public school programs during the same time period.**”

Youth in Juvenile Corrections Served Under IDEA by Type of Disability

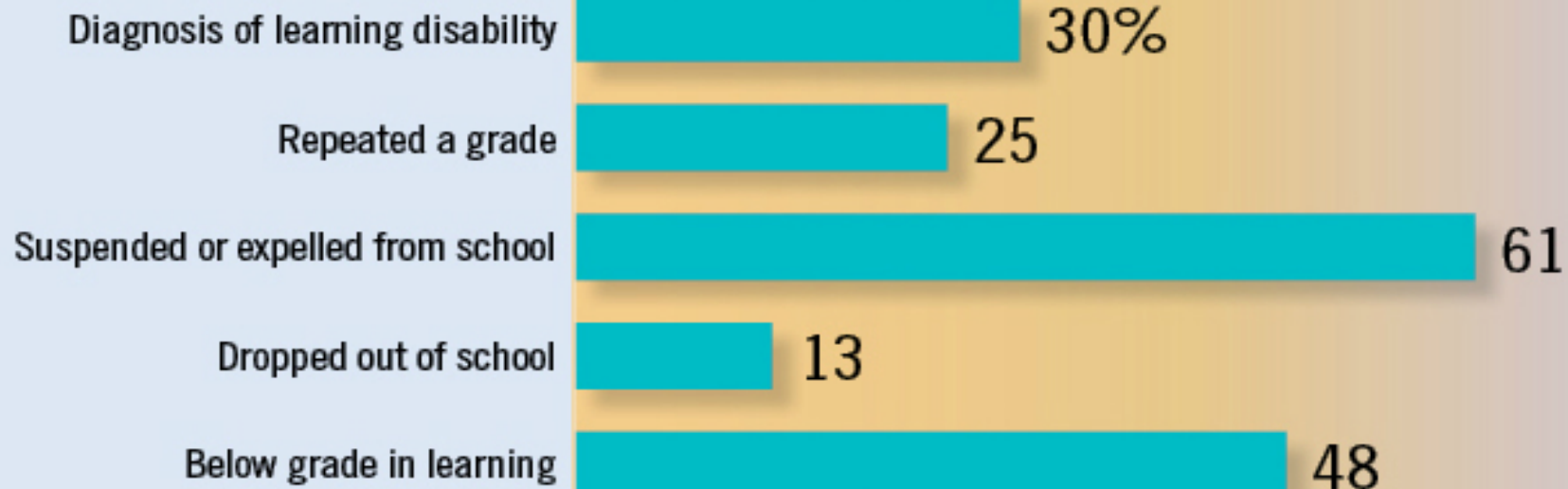
| | |
|---------------------------------|--------------------------|
| <i>All Disabling Conditions</i> | <i>33.4% (n = 8,613)</i> |
|---------------------------------|--------------------------|

Disability Classifications as a Percentage of all Youth Identified With a Disability

| | |
|--------------------------------|------|
| Emotional Disturbance | 47.7 |
| Specific Learning Disabilities | 38.6 |
| Mental Retardation | 9.7 |
| Other Health Impairments | 2.9 |
| Multiple Disabilities | 0.8 |

EDUCATIONAL CHALLENGES

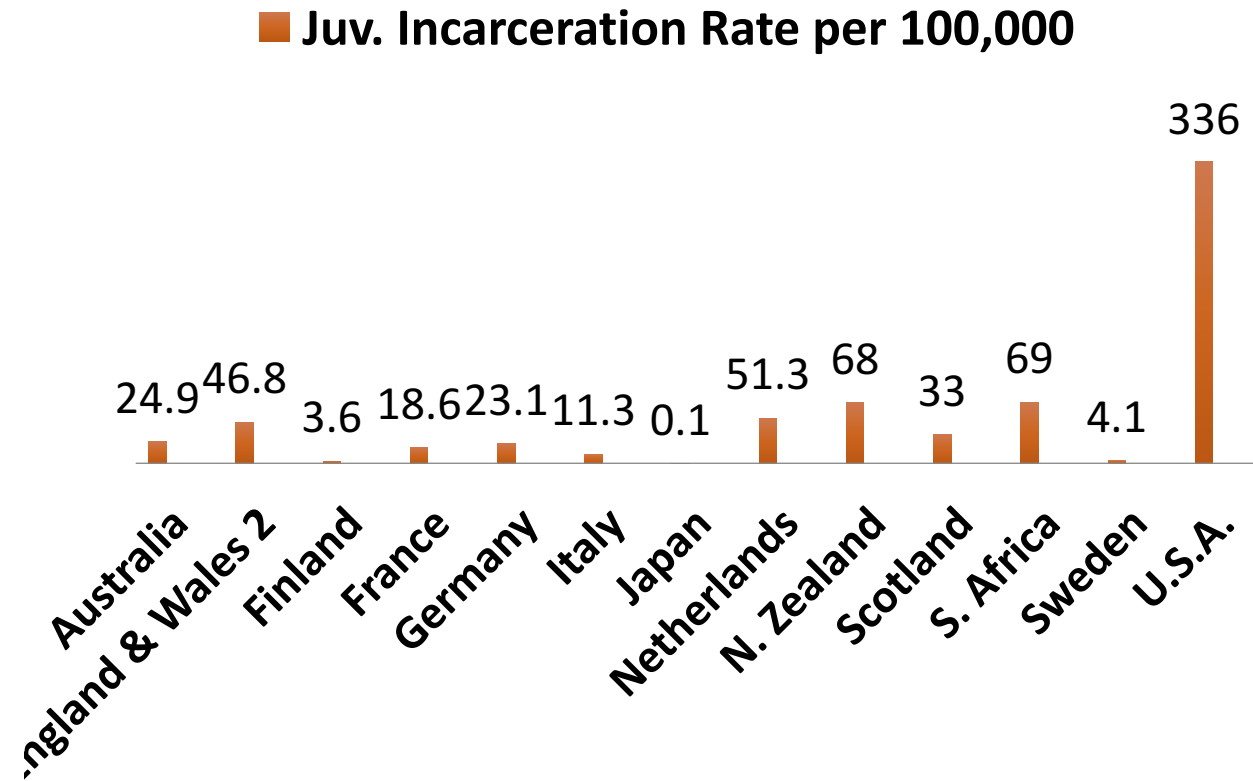
Youths in the juvenile justice system have many difficulties related to education.



SOURCE: U.S. Office of Juvenile Justice and Delinquency Prevention

JUVENILE INCARCERATION: AN INTERNATIONAL COMPARISON

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



We have an
opportunity to
change the
trajectory for our
most vulnerable
students



Restorative Peer Court-Lane County, OR

https://www.youtube.com/watch?v=zb2zFZt0uGs&feature=em-share_video_user

Restorative Peer Court Flow Chart – See Handouts

- Following specific case criteria (juveniles over 12 & under 18)
- DYS diverts cases to CDR – RPC program
- CDR – RPC attempts to set up intake interview with juvenile & parent
- Once intake occurs, RPC schedules “Peer Court”
- During Peer Court the juvenile offender & Peer Panelists determine reparative obligations (create contract)
- Juvenile then has 60 days to perform contractual reparative obligations = DYS Successful Completion

RPC High Support - High Accountability

The Intake Process

- Admission of wrong-doing (must admit guilt)
- Parent participation – both at intake and RPC hearing
- Restorative Peer Court is a choice – no citation if you finish – record may be expunged.
- DYS may recommend only “partial expungement.”
- Explanation of entire RPC process to Juvenile & Parent
 - RPC Hearing Process
 - Exit Interview Process
 - Restorative Guidelines & Sanctions
 - What their role & purpose is Juvenile Offender & Peer Panelists
 - Other Expectations & What Happens after Completion of Program
 - Q & A

Mission of Restorative Peer Court

- To help juvenile offenders restore their relationships with the community, through alternative methods of adjudicating minor juvenile offences, which may include attending additional restorative training programs that teach juveniles responsibility and positive decision making.

Mission of Restorative Peer Court – CONTINUED

- CENTRAL TO THIS PROCESS – is the opportunity for youth to learn how their actions have affected other people, so that they gain relationship – based motivations for making better choices in the future.

CDR's Philosophy for Peer Court

- A youthful law violator can learn from mistakes made and take responsibility for making things right again.
- TO THAT END – the obligations determined by a peer court panel are not intended as punishments, but rather as reparations (restorative guidelines) that are good for both the youth and the community at large.

OVERVIEW of Peer Court

- Elder introduces juvenile offender to teenage peer panelists who are informed of the charges against the respondent.
- Peer panelists ask questions of the respondent to learn what happened & who was affected.
- After the hearing, panelists deliberate separate from the respondent to come up with reparative obligations appropriate for the offence. This decision is reviewed by the Elder and Respondent, both of whom must agree to the terms.
- The Respondent then signs the agreement and has 60 days to perform the obligations.

Common RPC Restorative Obligations

- Apology Letters
- Community Service
- Journaling
- Written Essays
- Restitution
- Workshops (i.e., Substance abuse, anger management, Theft Impact Class, etc.)
- Serving as a Peer Panelist for future peer court cases

Goals for Restorative Peer Court

- Observe & abide by Oath of Confidentiality
- Listen attentively without interrupting
- Ask clarifying questions
- Contribute thoughtful dialogue to the deliberation process
- Create sanctions that are relevant to case at hand
- Be an active role model for other panelists



It's Time For A Break

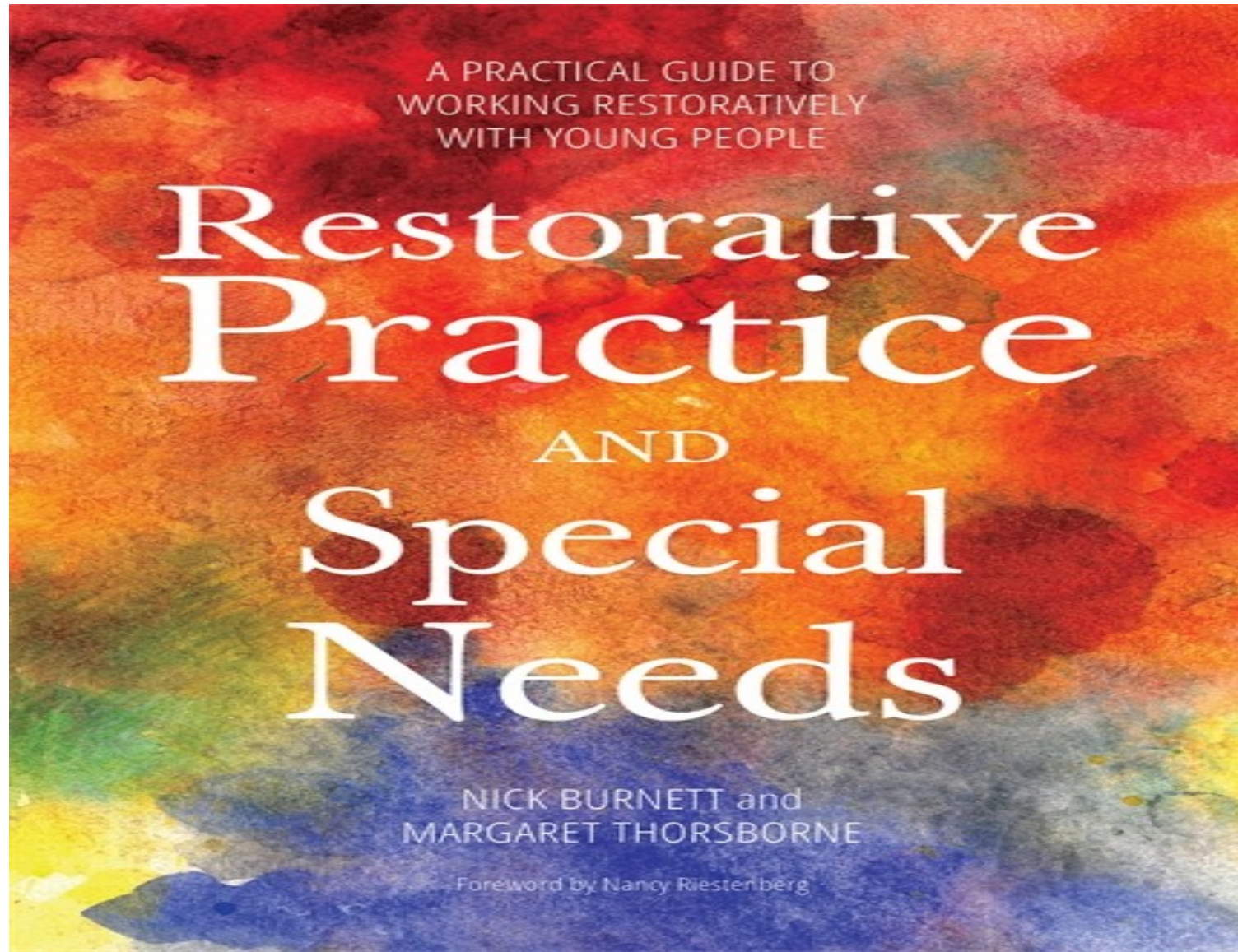


ACTIVITY: Think, Pair, Share



How do we implement RJ successfully with students with special needs?

Recommended Reading...



Intellectual Disability: Definition,
Classification, and Systems of Supports (11th
Edition)

Non-Member Price:

\$90.00

Year: 2010

Format: Hardcover

ISBN: 978-1-935304-04-3

This manual contains the most current and authoritative information and knowledge on intellectual disability, including best practice guidelines on diagnosing and classifying intellectual disability and developing a system of supports for people living with an intellectual disability. Written by a committee of 18 experts, *Intellectual Disability: Definition, Classification, and Systems of Supports* (11th edition) is based on seven years of work on: (1) a synthesis of current information and best practices regarding intellectual disability; (2) numerous reviews and critiques of the 10th edition of the AAIDD definition manual; and (3) feedback from the field regarding a series of articles published by the Committee. This is the first official AAIDD definition manual with the terminology “Intellectual Disability.”



Disability Specific Considerations for RJ

Language processing difficulties

“Language processing difficulties are invisible, so there is no way for those taking part in a conference ... to know that the young offender may be compromised in his/her ability to process what others are saying (and conveying nonverbally) and to express their own perspective...”

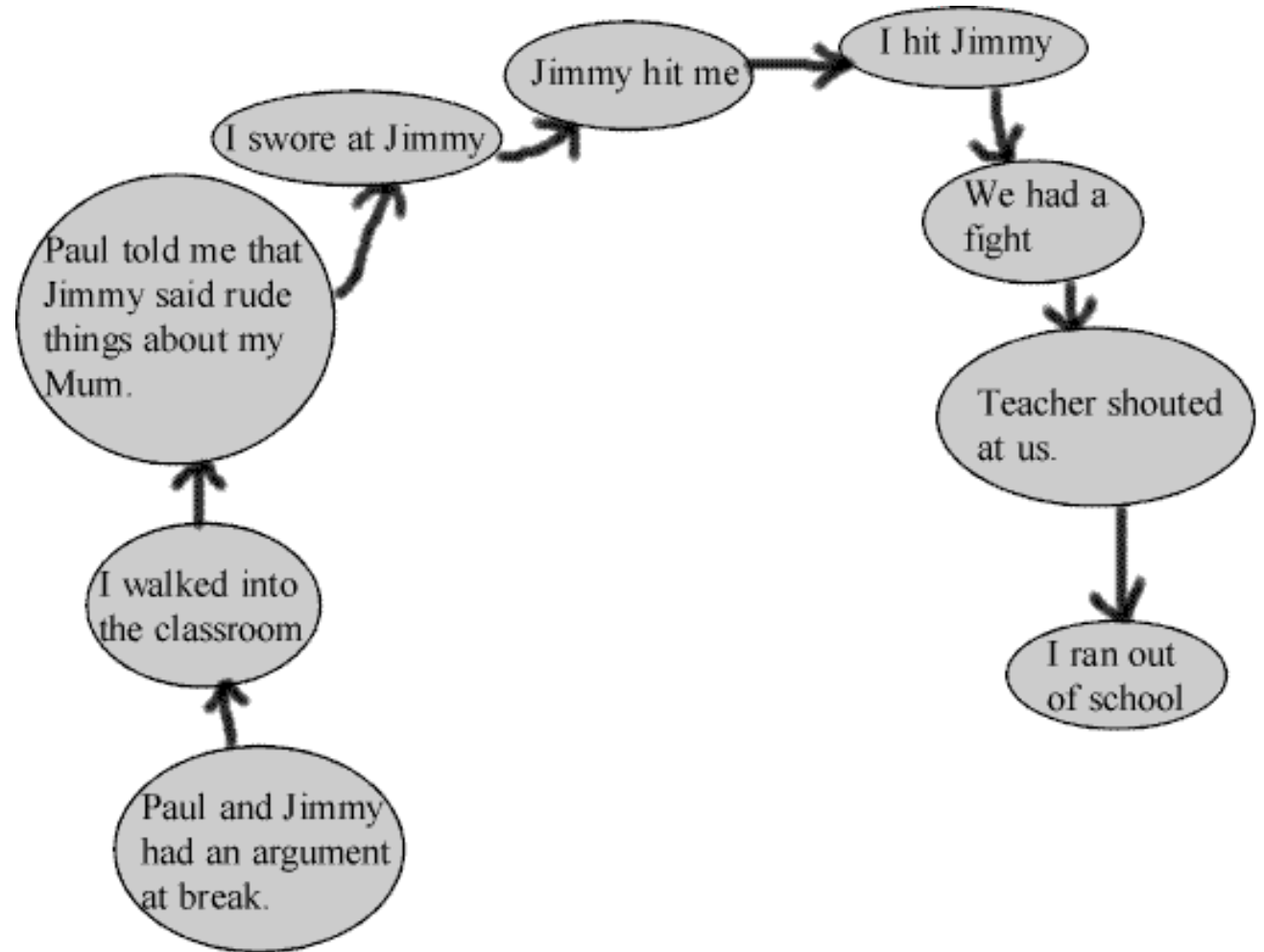
(Burnett & Thorsborne, citing Snow and Sanger, 2010)







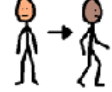







Disability Specific Considerations, cont.

| Access What is needed for participation by SWD? | Visual Supports | Language “KISS” | Practice |
|--|--|--|---|
| <ul style="list-style-type: none">• Special seating• Timelines• Fidget/Sensory toy• Role-play | <ul style="list-style-type: none">• To support communication & memory• Facial expression charts help identify feelings• Self-regulation tools (e.g. How Does Your Engine Run?) | <ul style="list-style-type: none">• Keep it Short and Simple | <ul style="list-style-type: none">• Repeat the process, questions, and social skills we want to teach• Model, model, model |



Mind Maps

Allow students to analyze the sequence of events, and identify points where they made good or poor choices



|  STOP Behaviors |  make other people feel... |  negative consequence for me. |  I might feel... |
|---|--|--|--|
|  Slamming doors |  Scared |  Friends don't want to walk with me. |  Sad |
|  Kicking things |  Mad |  Other classes don't like the noise. | |
|  Hurt |  Hurt |  Miss fun activities with friends. | |

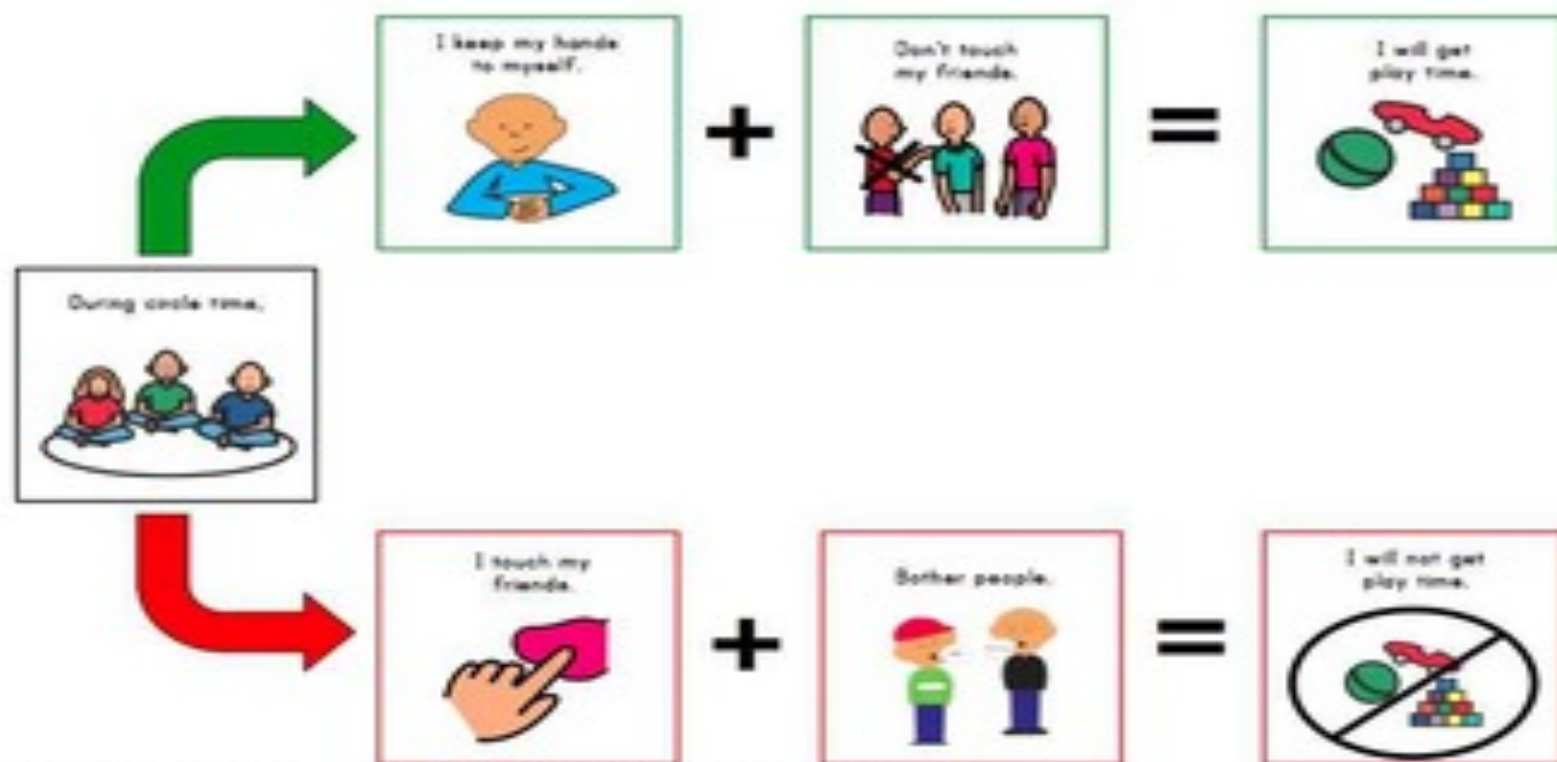
 Green Choices 

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 Red Choices 

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Make a Choice: Hands to Yourself



Feelings Charts

FEELINGS

How are you feeling today?

| | | | | |
|--|--|---|--|--|
|  HAPPY |  AFRAID |  SAD |  FRUSTRATED |  ANGRY |
|  SMUG |  DISTRACTED |  CONFUSED |  SURPRISED |  GUILTY |
|  PROUD |  ENRAGED |  ECSTATIC |  HOPEFUL |  LONELY |
|  SHOCKED |  WORRIED |  HOPELESS |  DISGUSTED |  ASHAMED |
|  EMPTY |  JEALOUS |  NERVOUS |  DEPRESSED |  EXHAUSTED |

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OREGON SCHOOL PILOT PROJECT

Positive and Restorative Investment in Discipline Reform in Education (PRIDE): Integrating SWPBIS and Restorative Discipline (RD)

RESEARCHER/PRACTITIONER TEAM

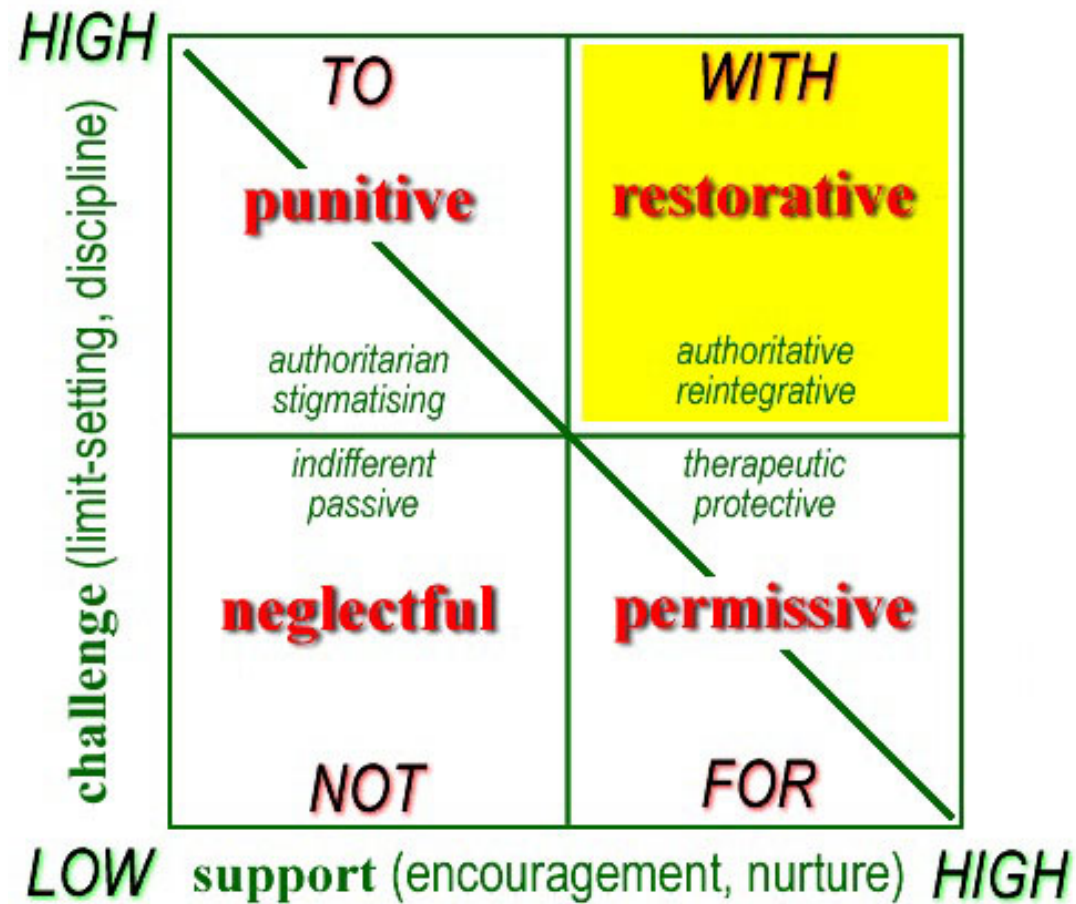
UNIVERSITY OF OREGON

University of Oregon College of Education

- Claudia Vincent, Heather McClure and Charles Martinez, Center for Equity Promotion
 - Tary Tobin, Education and Community Supports

University of Oregon College of Law

- Erik Girvan & John Inghish, Conflict & Dispute Resolution Master's Program
 - Center for Dialogue and Resolution**
 - Chip Coker & Chris Jackson



Systemically promoting compassion, communication, emotional safety and inclusiveness

PBIS

PBIS

Defining appropriate behaviors

e.g. Be safe, Be Respectful, Be responsible
Classroom behavioral matrix

Proactively **teaching what appropriate behaviors look like** in the classroom and other school locations

e.g. responding to peers' comments respectfully

Rewarding students who engage in appropriate behaviors

e.g. tokens, privileges

Consistent consequences for inappropriate behavior

Data-based decision making
(often ODR focused)

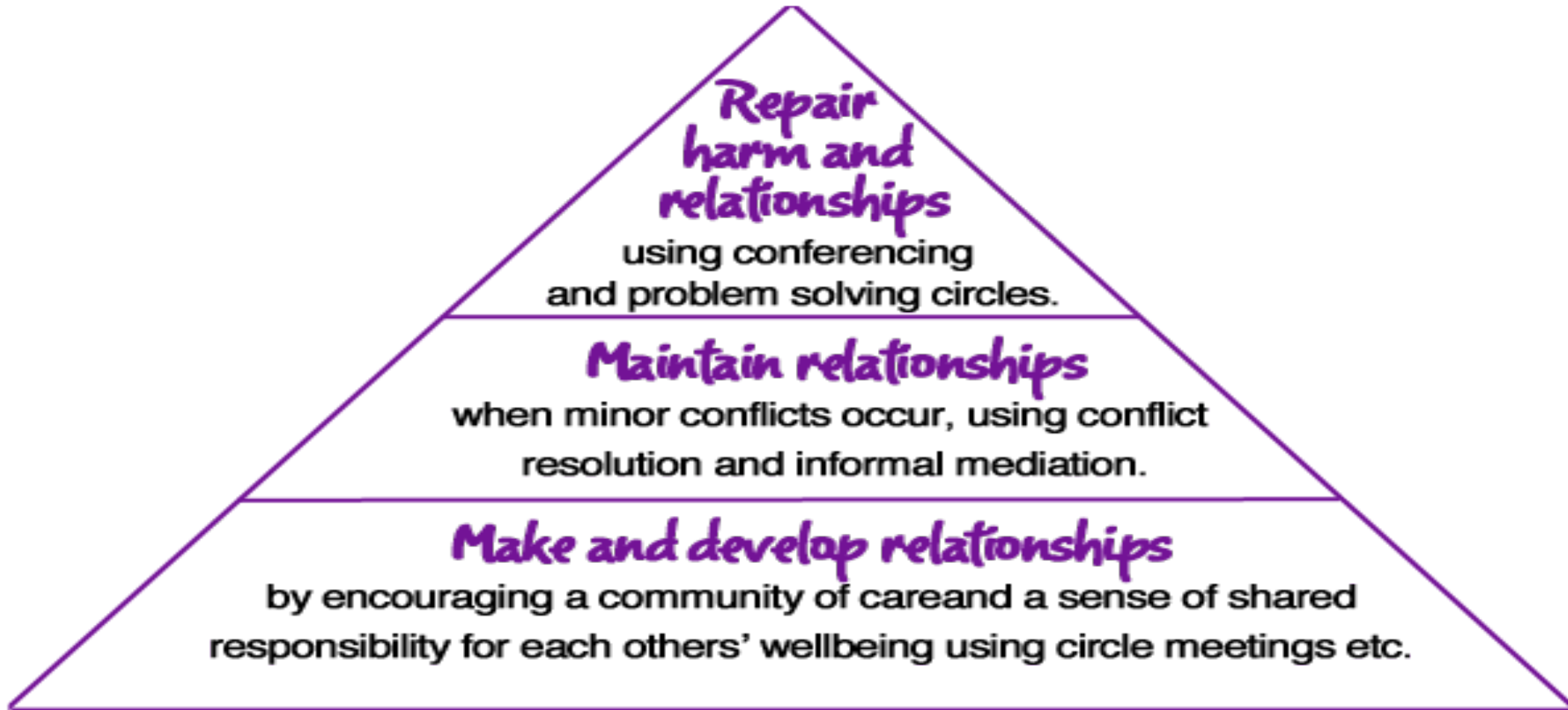


Systemically promoting compassion, communication, and inclusiveness

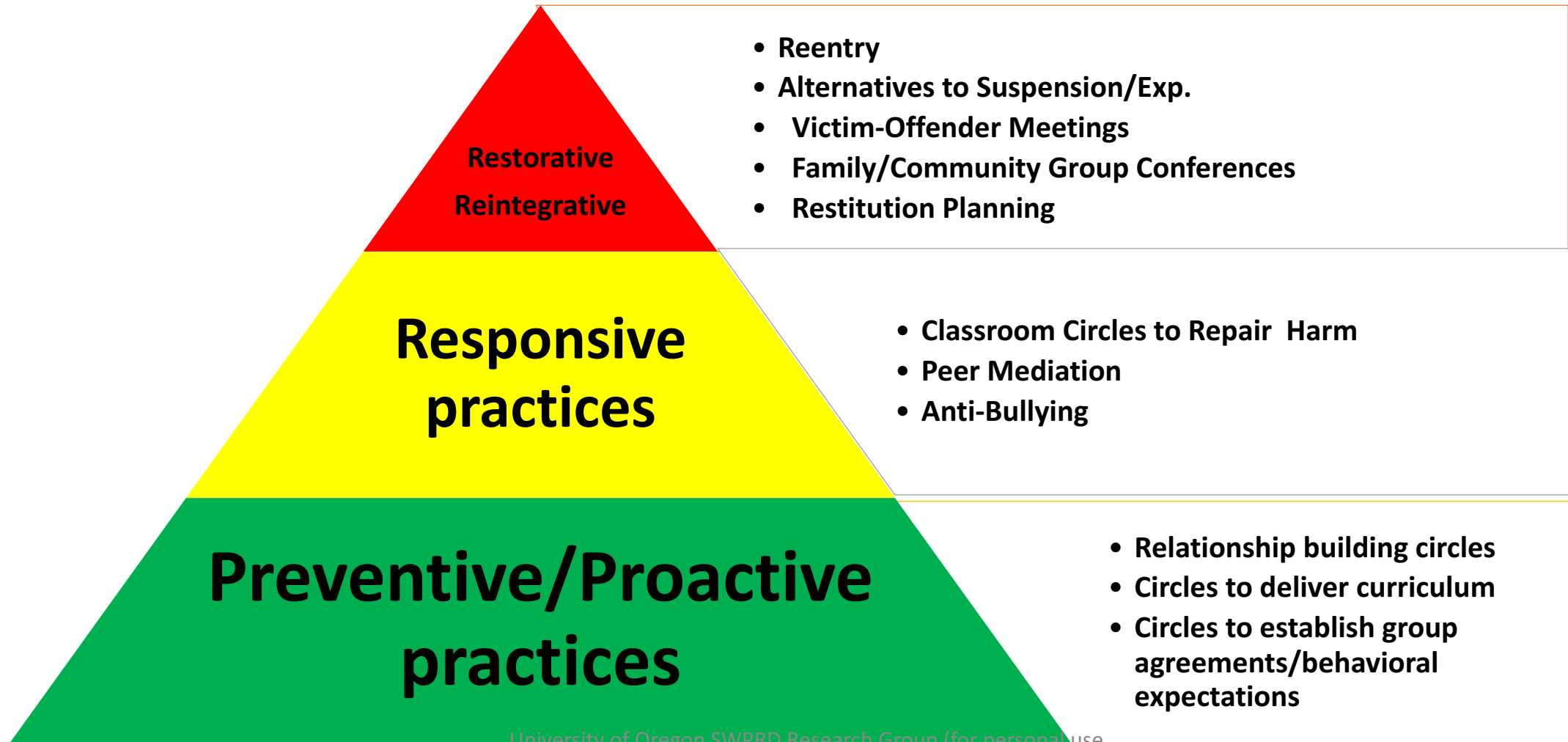
PBIS + RD = SWPRD

| PBIS | RD |
|--|--|
| <p>Defining appropriate behaviors e.g. Be safe, Be Respectful, Be responsible Classroom behavioral matrix</p> | <p>Defining appropriate behaviors/agreements, e.g. Be respectful—Practice Active Listening, Be Responsible— Honor confidentiality with students</p> |
| <p>Proactively teaching what appropriate behaviors look like in the classroom and other school locations e.g. responding to peers' comments respectfully</p> | <p>Proactively teaching why agreements/appropriate behaviors are necessary and benefit all, e.g. using affective statements, active listening, proactive circles</p> |
| <p>Rewarding students who engage in appropriate behaviors e.g. tokens, privileges</p> | <p>Rewarding students who follow agreements/engage in appropriate behaviors e.g., tokens, privileges, student leadership roles</p> |
| <p>Consistent consequences for inappropriate behavior</p> | <p>Consequences for inappropriate behavior that emphasize repairing harm that has been done (e.g. affective questions, impromptu conferences, restorative conferences)</p> |
| <p>Data-based decision making (often ODR focused)</p> | <p>Data-based decision-making: triangulation of data: teacher (ODR) and student perceptions (e.g. student climate surveys)</p> |

Integrating Restorative Practices into an MTSS Model for Schools



Restorative MTSS



3-year development project funded by IES

- Focus groups(10 administrators, 10 teachers, 10 parents, 10 students)
- Early adopters test intervention at schools and complete surveys
(16 high school teachers: 320 students)
- Small scale randomized control trial to assess effect on student discipline, academic outcomes, and social emotional wellbeing.
(64 high school teachers: 1280 students)

Case Study:

Looking Glass Riverfront School and Career Center

Accredited alternative high School in Eugene, offering education and vocational training for at-risk and out-of-school youth, ages 11-21.

- 44% of students have IEPs, a few 504 plans.
- Currently implementing PBIS model
- Asked for assistance adopting RJ to program

Strategies

- Use staff professional development time for theory and skills-based workshops
- Work to gain student buy-in by involving them in the process:
 - Orientation week activities
 - Relationship building circles
 - Involving students in defining behavioral expectations
 - Poster making sessions

Values Circle



B.E.A.S.T.

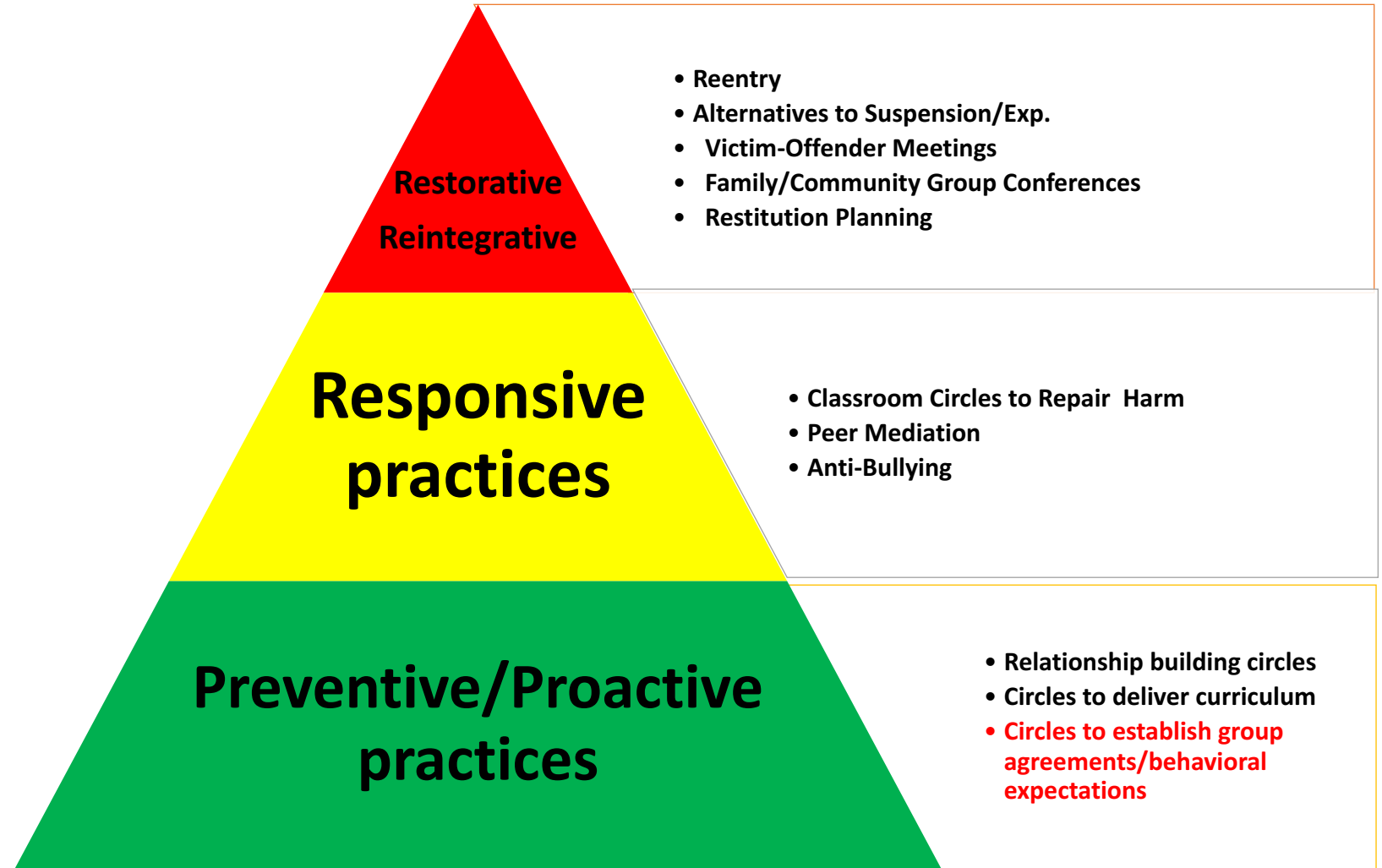
Be Ready to Learn

Expect Respect

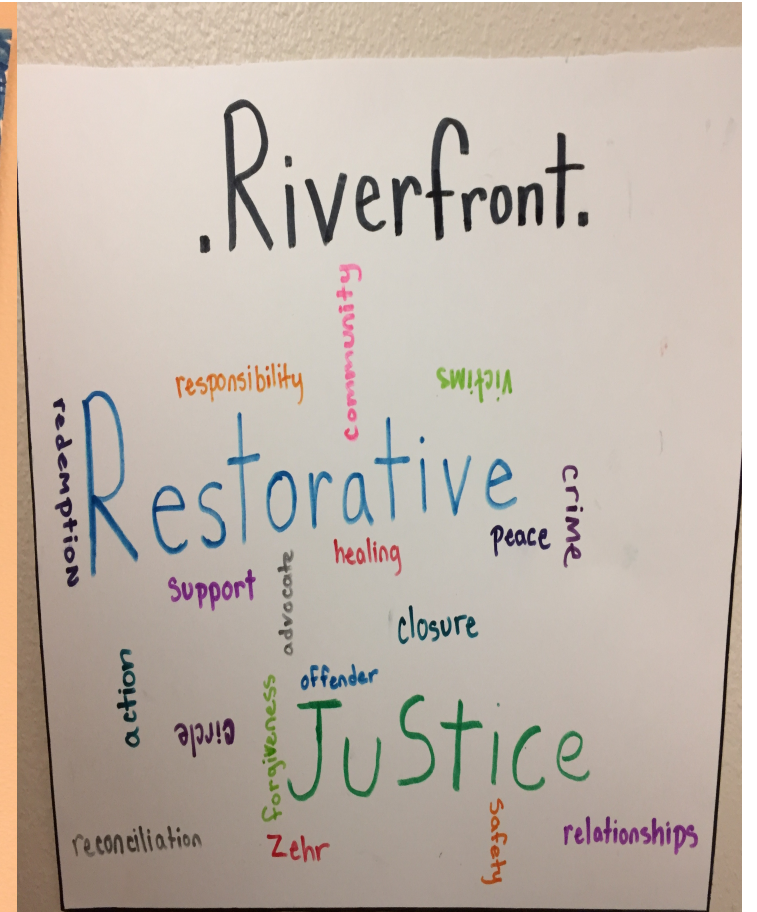
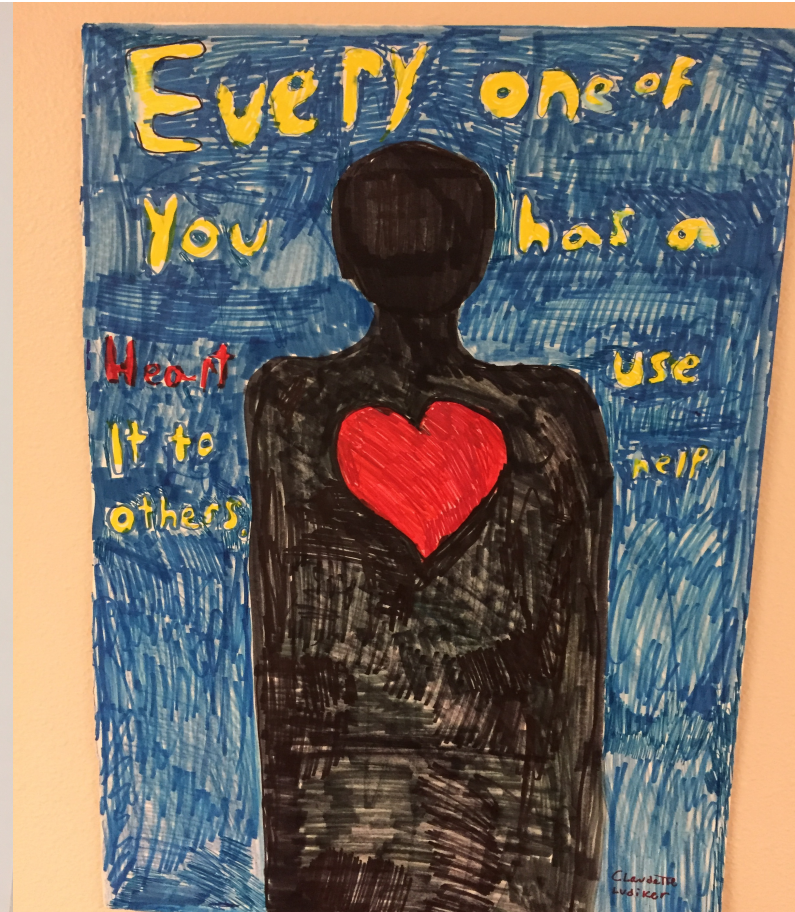
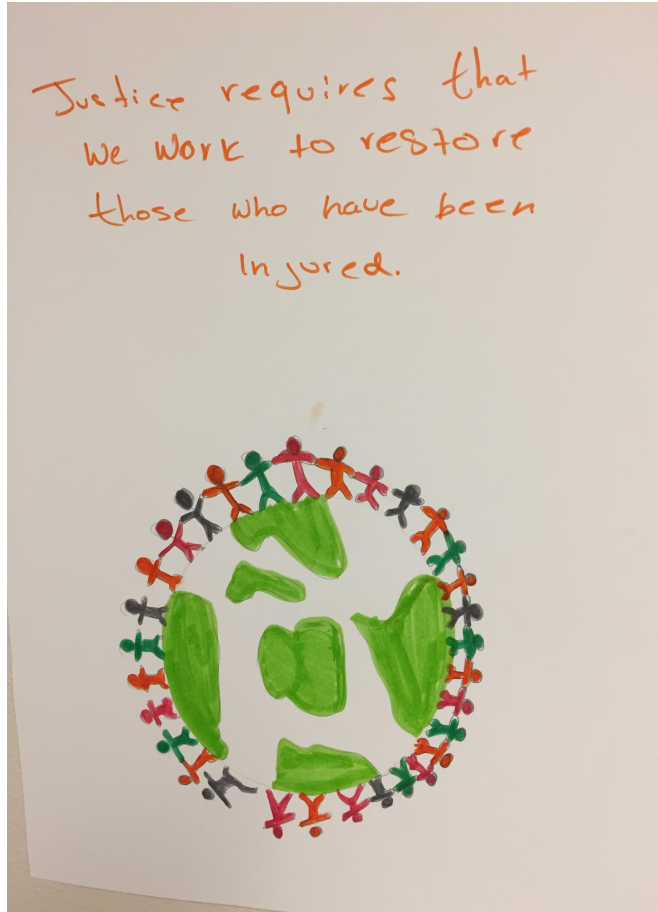
Act Safely

Show Responsibility

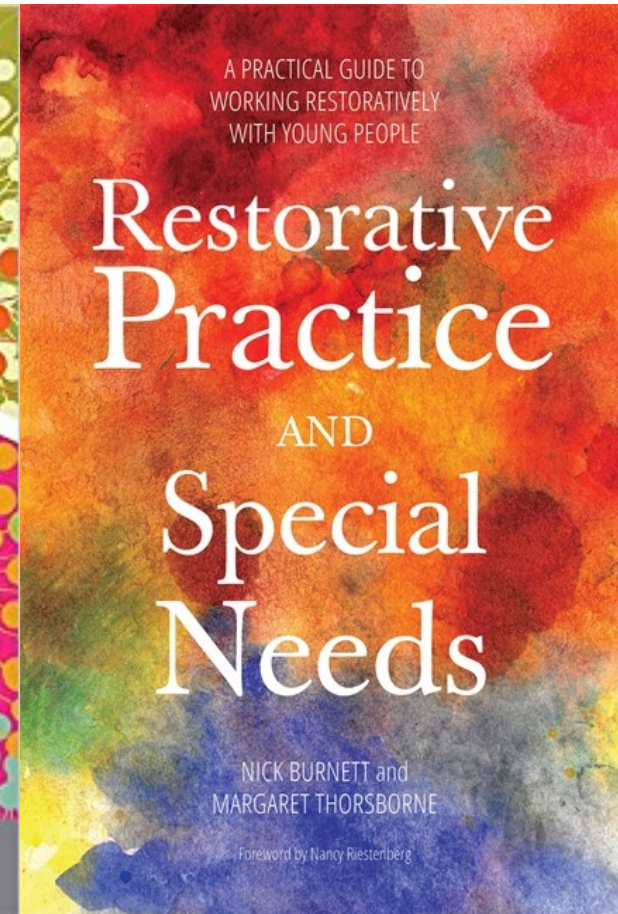
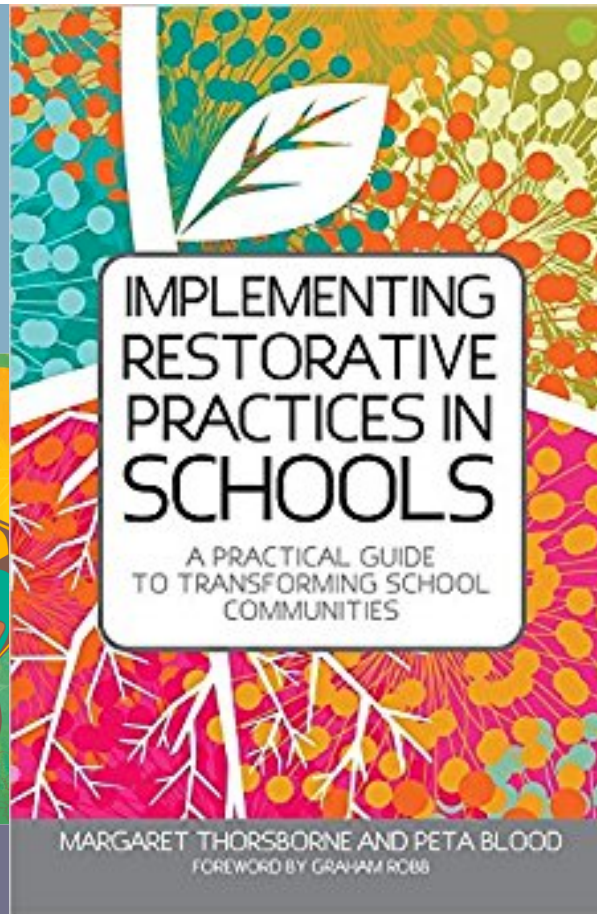
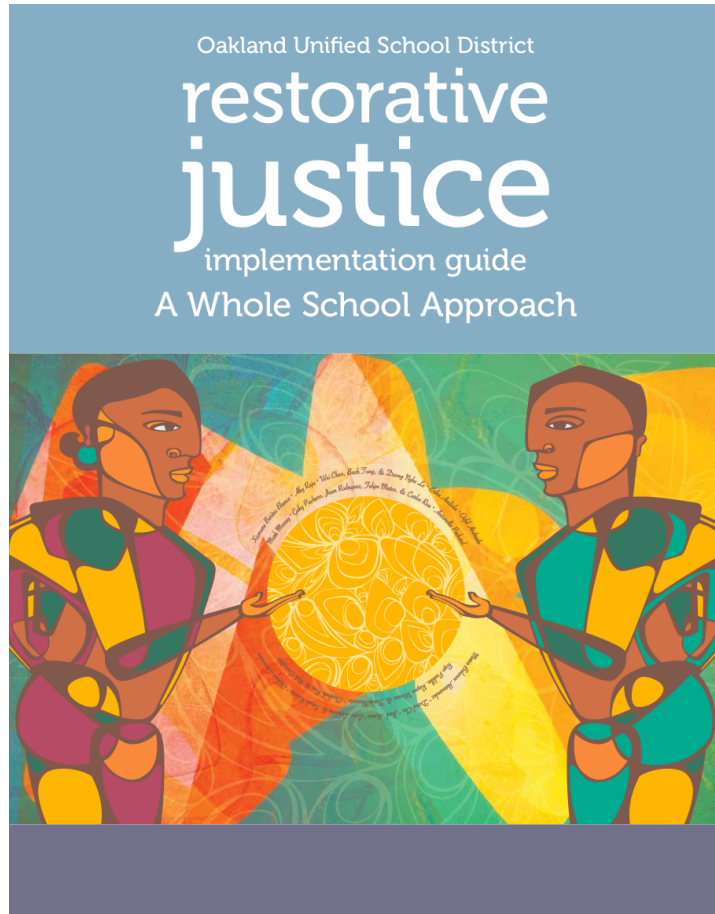
Take Pride



Student Art



Recommended Reading...

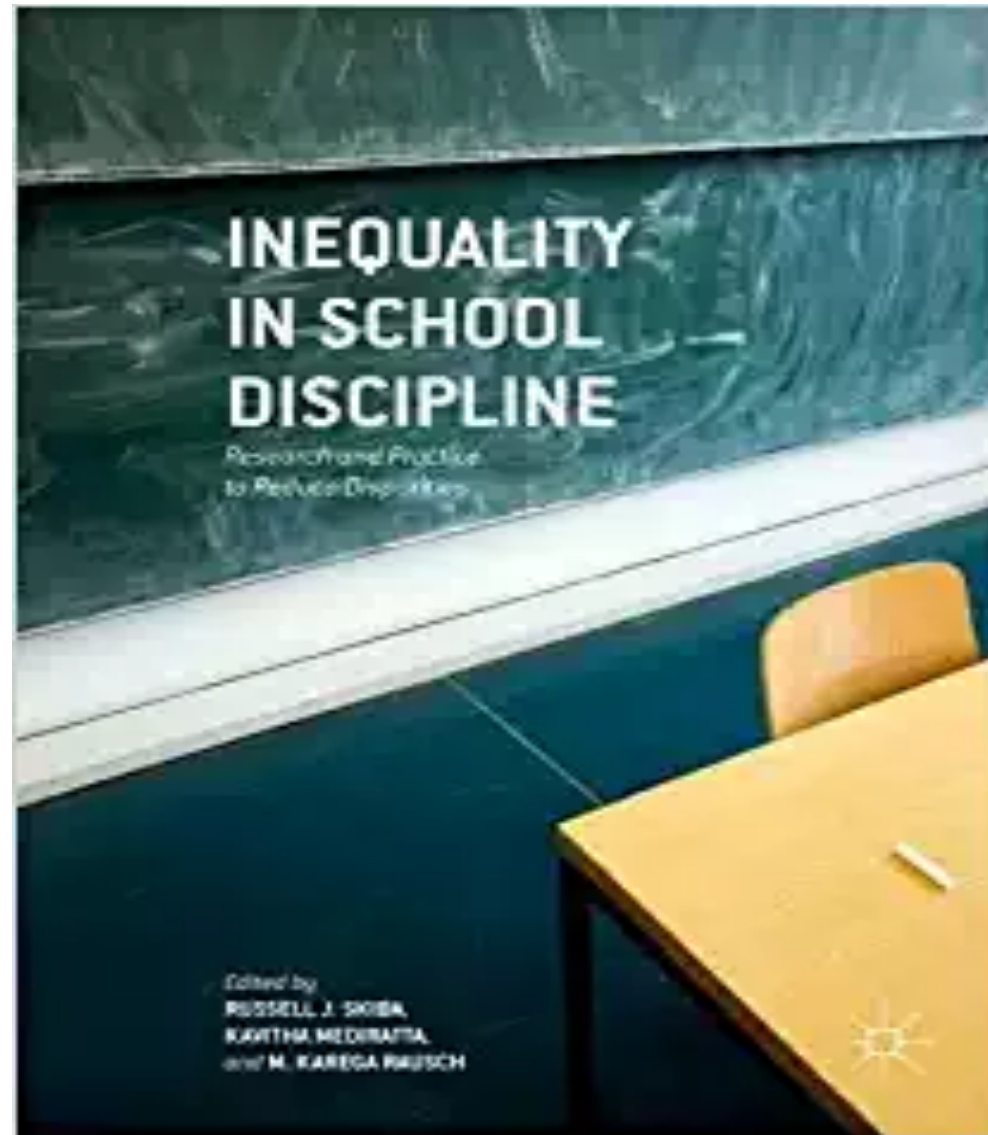


Chapter 7

Chapter 7

School-wide Positive and Restorative Discipline: Integrating School-wide Positive Behavior Interventions and Supports and Restorative Discipline.

Vincent, C., English J., Girvan, E., Sprague, J., McCabe, T.



ACTIVITY

3 GROUPS

- Review your scenario
- Use the circle planning prep sheets and sample prompting questions to prepare a circle dialogue process to address the issue
- Share out

Think/Pair/Share

3 things I learned in this workshop

2 things I would like to know more about

1 action I am committed to take

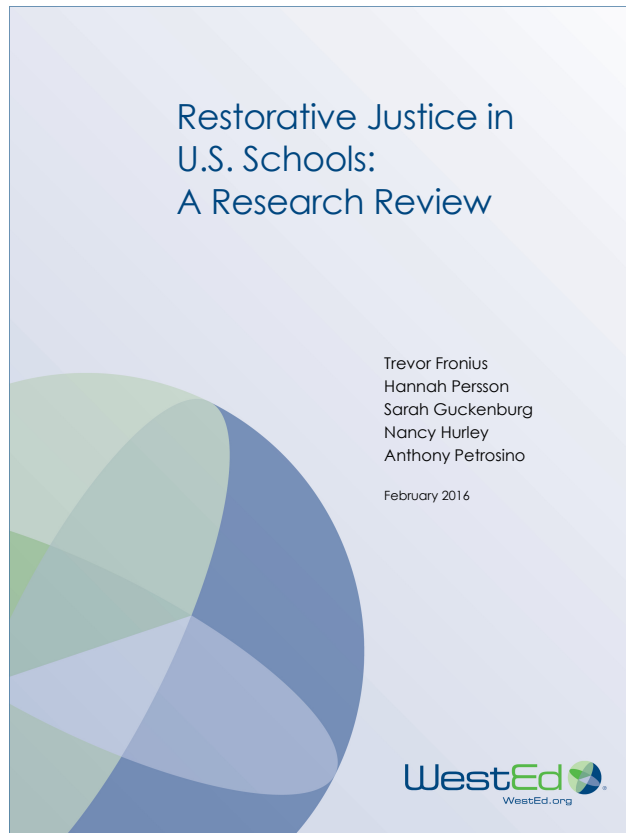


Additional Resources

What Do We Know About RJ in Schools?
What Are the Research Questions?

Schoolwide Positive Restorative Discipline (SWPRD)

- Strong Relationships (i.e., Social Capital) (student-student; student-teacher/administrator) are key to achieving successful outcomes (academic proficiency, social-emotional literacy)
- In order to have strong relationships, you must develop, maintain, and restore them
- Students respond best when you do things *with* them, rather than *to* them or *for* them. Students who are involved in developing the rules are less likely to break them.
- PBIS is a useful framework upon which restorative practices can be developed/integrated



“Despite the growing popularity of RJ, *rigorous empirical tests of whether RJ makes an impact on discipline, climate, and related outcomes have not yet been completed.* This is not to say that these studies have no value. The promising results reported across these descriptive studies lay the groundwork for more rigorous experimental tests of RJ, several of which are currently in the field”

Identified Research Areas

- Whole-School versus Stand-Alone Models
- Impacts on Racial and Ethnic Minorities and Students with Disabilities
- Data and Measurement
- Sustainability
- **Implementation Readiness**
- **Implementation & Effectiveness**



“Those who set out to change schools and schooling are confronted with two enormous tasks. The first is to develop prototypes. The second involves large scale replication. One without the other is insufficient.” (Taylor, Nelson, & Adelman, 1999)

Implementation Science is the study of factors that influence the full and effective use of innovations in practice. The goal is not to answer factual questions about what is, but rather to determine what is required. (NIRN, 2015)



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RESEARCH LIBRARY



In education, there is a rich history of well-documented and well-researched approaches to curriculum, instruction practices, and behavior. The missing link has been implementation: the serum is available, but a system “or syringe” for the preparation of the educational staff so they know when, where, how, and with whom to deliver effective education approaches to students has been missing.



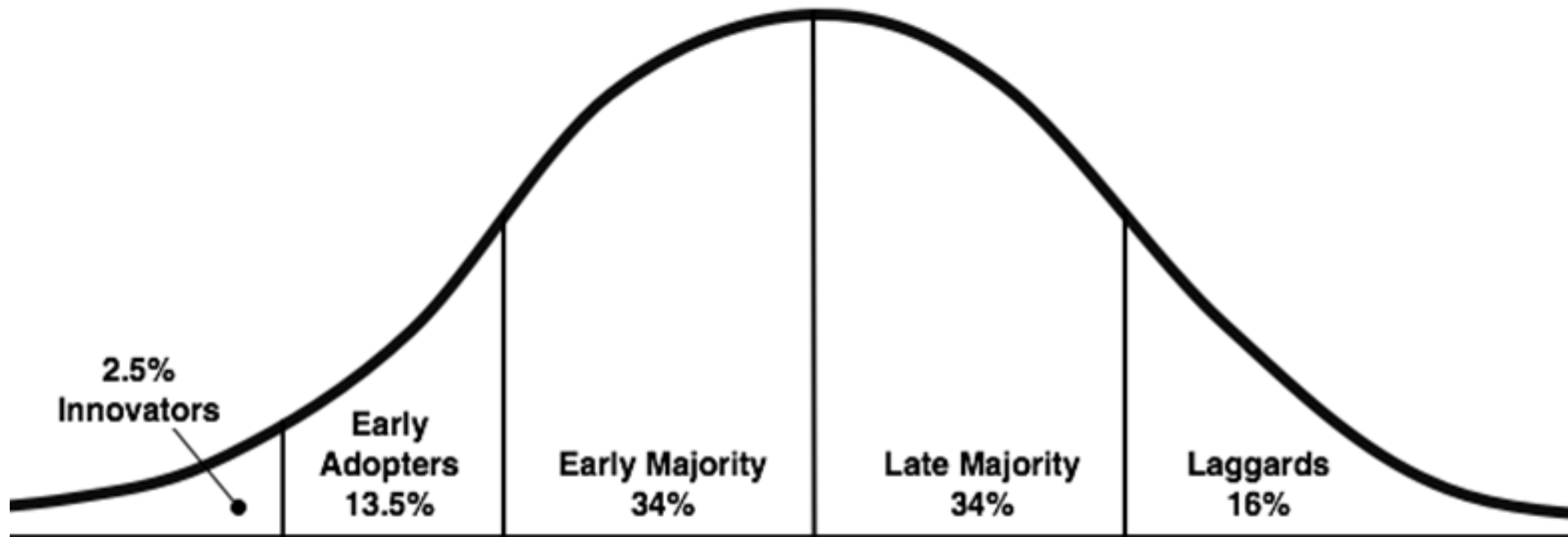
School Pushout: A Wicked Problem



Leadership Behaviors for Change

| EXEMPLARY PRACTICE | BEHAVIOR |
|-------------------------|---|
| Challenge the Process | Schools that look beyond themselves, reach out, share practice with other schools, bring new ideas back to the system. |
| Inspire a Shared Vision | Visual cues and prompts throughout the school community about the importance of RJ—both written and spoken. |
| Enabling Others to Act | Pushing leadership down, and spreading it across an organization. |
| Modelling the Way | Actions speak louder than words. Walk the talk, and enable others to hold us accountable for practices. |
| Encouraging the Heart | Acknowledge and reward your innovators for their investment and the risk they have taken. Send them to another school, forum or event to share practice and to be inspired by others. |

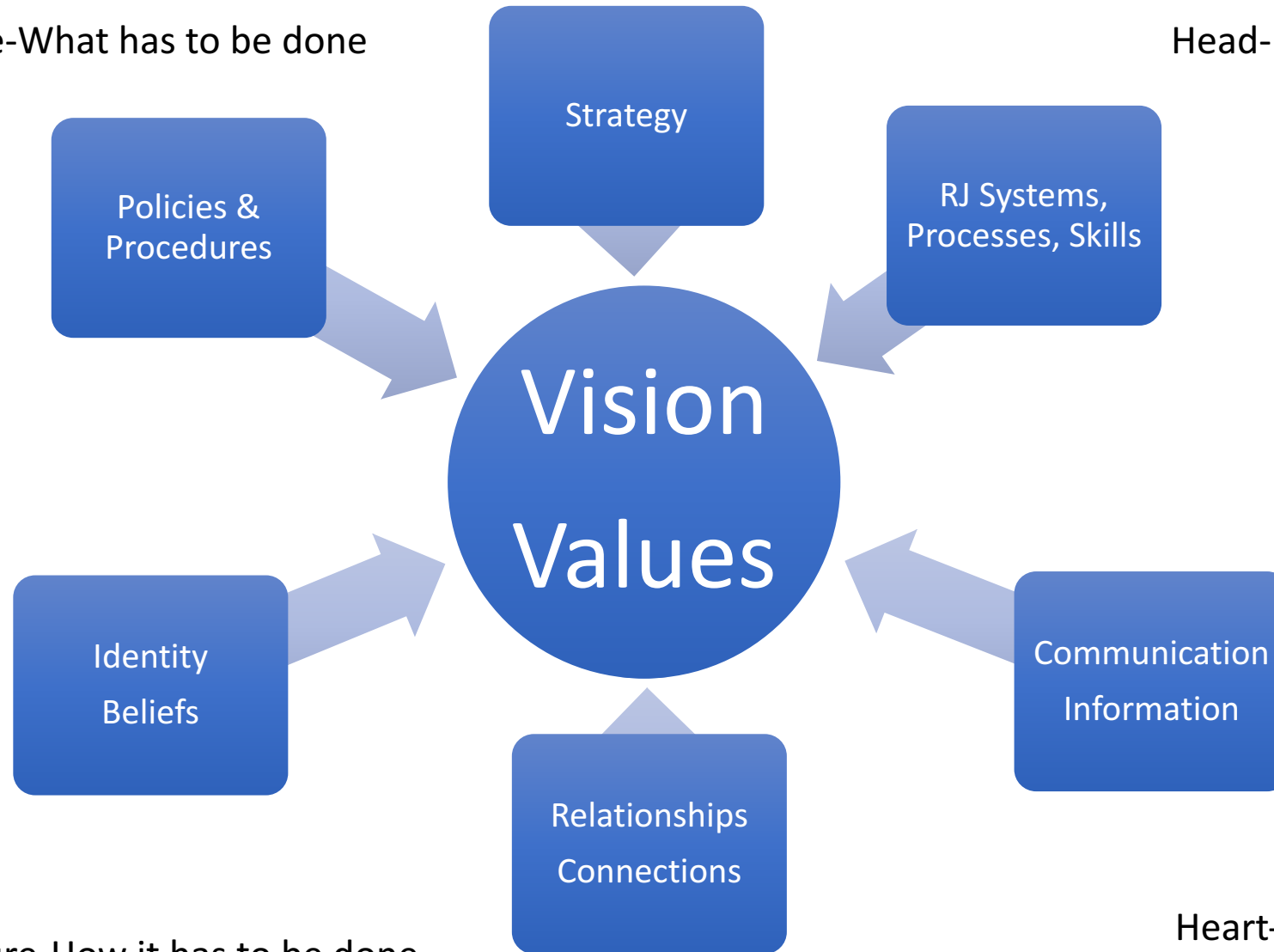
(Thorsborne & Blood, 2013; adapted from Kouzes and Posner, 2007)



Source: Everett Rogers, Diffusion of Innovations model

System Infrastructure-What has to be done

Head-Rational-Management



Human Infrastructure-How it has to be done

Heart-Emotional-Leadership

ACTIVITY

5-8 MINUTES

In small pairs or independently, draft:

- A vision (1-3 sentences) and values (3-5 values) statement for your organization

What are the research questions regarding implementation?

Research Questions

Implementation Readiness

- What structures, staff, and commitment level are needed for a district/school to take on implementation of RJ?
- What strategies have been successful in building buy-in of school and community stakeholders for RJ implementation in schools?
- What actions does a school or district need to take to make the shift from punitive to RJ?

Research Questions

Implementation

- What leadership traits of school, district, and community stakeholders result in high-fidelity implementation of RJ?
- How is RJ implemented in schools serving diverse populations, such as children with special needs?
- What ongoing supports (for staff, students, administration, and the community) are associated with successful implementation and sustainability?

What do we know about the science of implementation in the social sectors?

National Implementation Research Network

Meta-Analysis of 800 articles:

- Aging Manufacturing
- Agriculture Medicine
- Business Mental Health
- Child Welfare Nursing
- Education Public Health
- Engineering Social Services
- Health Substance Abuse
- Information Tech. Juvenile Justice



ONLINE IMPLEMENTATION SCIENCE RESOURCES

[National Implementation
Research Network \(NIRN\)](http://implementation.fpg.unc.edu/)

[State Improvement and Scaling Up
for Evidence Based Practices
\(SISEP\)](http://sisep.fpg.unc.edu/)

<http://implementation.fpg.unc.edu/>

<http://sisep.fpg.unc.edu/>

There are 3 categories of Implementation Drivers:

- 1) **Competency Drivers** – are mechanisms to develop, improve and sustain one’s ability to implement an intervention as intended in order to benefit children, families and communities.
- 2) **Organization Drivers** – are mechanisms to create and sustain hospitable organizational and system environments for effective services.
- 3) **Leadership Driver** – focuses on providing the right leadership strategies for the types of leadership challenges. These leadership challenges often emerge as part of the change management process needed to make decisions, provide guidance, and support organization functioning.



Table 1
A Summary of a Meta-analysis of the Effects of Training and Coaching
on Teachers' Implementation in the Classroom (Joyce & Showers, 2002)

| TRAINING COMPONENTS | OUTCOMES | | |
|-----------------------------------|--|---------------------|----------------------|
| | (% of participants who demonstrate knowledge, demonstrate new skills in a training setting, and use new skills in the classroom) | | |
| | Knowledge | Skill Demonstration | Use in the Classroom |
| Theory and Discussion | 10% | 5% | 0% |
| + Demonstration in Training | 30% | 20% | 0% |
| + Practice & Feedback in Training | 60% | 60% | 5% |
| + Coaching in Classroom | 95% | 95% | 95% |