RESTORATIVE JUSTICE: USING CURRENT SKILLSETS TO INFLUENCE POSITIVE CHANGE

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Overview

• Introduction to Restorative Justice/Discipline
• Disproportionality in Exclusionary Methods of Discipline
• Restorative Justice Outcomes
• Implementing Specific Components of Restorative Justice
• Use of Restorative Circles
• Developing a Plan of Action

“If anything, we need to develop a zero tolerance attitude toward policies that harm youth. The more we tolerate the harsh and disproportionate treatment of students for minor offenses, the more kids we condemn to fail in school and send to prison.”

Judge Steven Teske, Clayton County, GA
(Juvenile Justice Information Exchange)
What Does Restorative Justice Mean?

Core Elements – Series of “Threes”

• Three Assumptions
  • When people and relationships are harmed, needs are created
  • The needs created by harms lead to obligations
  • The obligation is to heal and “put right” the harms; this is a just response

• Three Principles – A “Just” Response
  • Acknowledges repairs the harm caused by, and revealed by, wrongdoing (restoration)
  • Encourages appropriate responsibility for addressing needs and repairing the harm (accountability)
  • Involves those impacted, including the community, in the resolution (engagement)

• Three Underlying Values – Foundation
  • Respect
  • Responsibility
  • Relationship

Core Elements – Series of “Threes” (cont.)

• Three Main Questions
  • Who has been hurt?
  • What are their needs?
  • Who has the obligation to address the needs, right the harms, restore the relationships?
    (As opposed to: What rules were broken? Who did it? What punishment do they deserve?)

• Three Key Stakeholder Groups
  • Those who have been harmed, their support systems
  • Those who have caused harm, their family
  • The community
Conceptualizing Restorative Justice...

Set of...
• Values
  • Importance of each participant as an equal member of the community
  • Respectful dialogue
  • When needs are met, change is possible
  • Accountability in healing
  • Collaborative effort
• Skills
  • Effective communication skills
  • Safe place, confidentiality, fairness
  • Self-awareness, facilitation, manage conflict, problem-solve
• Processes
  • Circles
  • Victim-offender mediation; peer mediation
  • Community group conferencing

Why Restorative Justice?
• Disproportionality in Discipline
• Recent Legislative Efforts
  • Limit out of school suspension for early elementary students
  • Truancy no longer a criminal violation with possible jail time
• TEA initiative
  • Partnered with UT-Austin School of Social Work in Fall 2015
  • Grant to train administrators and coordinators within the state of Texas
  • Trainings at region centers across the state
Cultural Competency within a Restorative Justice Framework

• Importance of Cultural Competency in our Practice
  • Recognized as a “foundational domain” for service delivery from both NASP and APA
  • Continued increasing diversity across the country
  • Recognizing that all behavior is learned and displayed through a cultural context
  • Strengthens the relevance and applicability of psychology

• Three General Areas of Cultural Competency (Sue, 2006)
  • Cultural Awareness and Beliefs
  • Cultural Knowledge
  • Cultural Skills

• Culturally Responsive Practice and Discipline

Also An Important Factor – Developmental Considerations

• The adolescent brain versus the adult brain – development of the prefrontal cortex
  • Executive functioning: thinking before acting, impulsive control
  • “Cold cognition” versus “hot cognition”
  • Understanding long-term consequences of behavior/actions versus immediate rewards
  • Use of deception in interrogations and false confessions (escaping behavior)

• Antecedents of chronic offending – associated with underdeveloped self-regulation
  • Birth complications
  • Exposure to stress and trauma
  • Poverty
  • Harsh parenting
  • Early alcohol and drug use

• Who commits the majority of crimes? – adolescents (according to FBI statistics)
• Who are more amenable to rehabilitation? – adolescents
Disproportionate Use of Exclusionary Discipline

State and Nationwide Statistics

Texas Public School Enrollment

- 2015-16 United States enrollment = 50.5 million (NCES online data - projected)
- 2015-16 Texas student enrollment = 5,284,252 (approx. 10% of US student population)
- 2015-16 Texas enrollment by Ethnicity/Race
  - Hispanic (52.2%)
  - Caucasian (28.5%)
  - African American (12.6%)
  - Asian (4.0%)
  - Multiracial (2.1%)
  - American Indian (0.4%)
  - Pacific Islander (0.1%)
- 2015-16 Economically Disadvantaged in Texas = 59.0%

Disciplinary Action in Texas

**Breaking School Rules (2011) – cumulative over six years**
- 54% of school-aged students experience at least one in-school suspension
- 31% experience at least one out-of-school suspension
- 15% were assigned at least one disciplinary alternative education placement
- 8% were assigned to JJAEP
- 3% of disciplinary actions were mandatory, in comparison to discretionary actions

**Texas Annual Report (2016) – one year snapshot**
- 8.8% of school-aged students had at least one in-school suspension
- 4.3% had at least one out-of-school suspension
- 1.3% were assigned at least one disciplinary alternative education placement
- .046% were assigned to JJAEP
- 2.4% of disciplinary actions were mandatory

### Discipline Actions by Groups

- **Discretionary Violations**
  - African American – 83% of males and 70% of females
  - Hispanic – 74% of males and 58% of females
  - Caucasian – 59% males and 37% females
- **OSS for First Offense**
  - African American – 26.2%
  - Hispanic – 18%
  - Caucasian – 9.9%
- **12+ Discretionary Discipline Actions**
  - African American – 25.7%
  - Hispanic – 18.1%
  - Caucasian – 9.5%
- African American youth had a 31% higher likelihood of discretionary action than peers
- Mandatory violations were comparable across groups
Discipline Actions by Groups (cont.)

• 13.2% of students in study were identified as having a disability, compared to 86.8% being non-disabled
• 9.9% of students with a disability were identified as having an Emotional Disturbance (1.3% of all students in study)
• 74.6% of students with disabilities and 90.2% of students with Emotional Disturbance experienced at least one discretionary discipline action, in comparison to 54.7% of non-disabled peers
• 48.4% of students with Emotional Disturbance experienced 11 or more suspensions or expulsions
• Students identified as having an Emotional Disturbance were 23.9% more likely to be suspended or expelled for discretionary action

Consequences of Discretionary Actions

Students who had been suspended or expelled for discretionary action were...
• More likely to be retained (31% versus 5%)
• More likely to drop out (10% versus 2%)
• More likely to have contact with juvenile justice system (23% versus 2%)
School to Prison Pipeline

“...systemic setbacks that gradually shepherd students away from positive school connections and academic success and into increasing criminal activity.”
(Sanders, 2010)

• Through...
  • Zero Tolerance Policies
  • Punitive, Discretionary Discipline Responses
  • Outsourcing Discipline to Juvenile Courts

Preschool to Prison Pipeline...?

<table>
<thead>
<tr>
<th></th>
<th>Preschool Enrollment</th>
<th>Out of School Suspension</th>
</tr>
</thead>
<tbody>
<tr>
<td>Males</td>
<td>54%</td>
<td>79%</td>
</tr>
<tr>
<td>Females</td>
<td>46%</td>
<td>21%</td>
</tr>
<tr>
<td>African Americans</td>
<td>18%</td>
<td>42%</td>
</tr>
<tr>
<td>Caucasians</td>
<td>43%</td>
<td>28%</td>
</tr>
</tbody>
</table>

Source: U.S. Department of Education Office for Civil Rights, 2011-12 school year

Note: Out of school suspension percentages provided are in comparison to all preschool students who had been suspended.
School-Related Arrests

<table>
<thead>
<tr>
<th></th>
<th>% School Enrollment</th>
<th>% Referrals to Law Enforcement</th>
<th>% School-Related Arrests</th>
</tr>
</thead>
<tbody>
<tr>
<td>Caucasian</td>
<td>51%</td>
<td>41%</td>
<td>39%</td>
</tr>
<tr>
<td>African American</td>
<td>16%</td>
<td>27%</td>
<td>31%</td>
</tr>
<tr>
<td>No Disability</td>
<td>88%</td>
<td>75%</td>
<td>75%</td>
</tr>
<tr>
<td>IDEA Disability</td>
<td>12%</td>
<td>25%</td>
<td>25%</td>
</tr>
</tbody>
</table>

Source: U.S. Department of Education Office for Civil Rights, 2011-12 school year

Seclusion & Restraint

- Students with IDEA disabilities
  - 12% of school enrollment
  - 58% of those placed in seclusion or involuntary confinement
  - 75% of those physically restrained
- African American student with IDEA disabilities
  - 19% of school enrollment
  - 36% of those who are mechanically restrained
What Does the Data Show?

- Exclusionary practices of discipline do not lead to safer schools or reduction in discipline referrals, increase likelihood of dropping out of school and getting arrested (Breaking School Rules Report, 2011; School Discipline Consensus Report, 2014)
- Restorative practices have shown
  - Reduced recidivism within the criminal/court/law sector (Bradshaw & Rosenborough, 2005; Braithwaite, 2005; De Beus & Rodriguez, 2007; Latimer et al., 2005)
  - Decrease in violence/assaults, disorderly conduct in schools (Justice Policy Institute, 2011)
  - Improved peer relationships, increased school connectedness, learned conflict resolution skills, critical thinking skills, and impulsive control (Implementing Restorative Justice: A Guide for Schools, 2009)
  - Higher academic performance, greater sense of safety in schools, more meaningful communication (Restorative Justice: A Working Guide for our Schools, 2011)
- Case Study – Ed White Middle School in San Antonio
  - Three year study through The Institute for Restorative Justice and Restorative Dialogue (IRJRD)
  - Mixed results regarding RJ outcomes
  - Complications and obstacles likely contributing to inconsistent outcomes

Revisiting Cultural Competency: Working with African-American Youth & Families

- We must take into account...
  - Importance of historical context
  - Current systemic barriers
  - Psychological research
  - Individual and family factors
  - Our own experiences and biases
- “Cradle to Prison Pipeline” (Children’s Defense Fund)
  - Poverty
  - Health Coverage
  - Early Childhood Intervention
  - Educational Opportunities
  - Job Opportunities
Restorative Justice: A Closer Look

Specific Components

A Tiered Approach...

- Repair
- Re-entry
- Restore

- Conflict Resolution
- Problem-Solving
- Skill-Building

- Relationships
- Sense of Belonging
- School Climate/Connectedness

Tier 3 – Intensive Intervention

Tier 2 – Targeted/Group Intervention

Tier 1 – School Wide Restorative Practices
A Comparison...

- Public Health Model
  - Origination of tiered approach within medical field – physical and mental health/well-being
  - Ecological perspective; solutions that focus on the community at-large; systems-level change
  - Guides design of intervention
    - Primary – focus on entire population; prevention efforts
    - Secondary – focus on families; prevent escalation of medical concerns
    - Tertiary – intervention for those directly affected

- PBIS
  - Based off of public health model; focus on behavioral progress, reinforcement of positive behaviors
  - Importance of data collection, evidence to support what is needed and progress made; use of evidence-based strategies; continuum of behavior supports
  - Tier 1 – focus is on reducing new cases/concerns; prevention
  - Tier 2 – focus on reducing current cases/concerns; target those “at-risk” for developing more concerning behaviors
  - Tier 3 – focus on reducing the intensity and severity of current cases; managing most concerning behaviors and providing a high level of support

Summary of Tiered Approach

<table>
<thead>
<tr>
<th>Universal</th>
<th>Primary Prevention</th>
<th>General population</th>
<th>School-Wide</th>
</tr>
</thead>
<tbody>
<tr>
<td>Targeted</td>
<td>Secondary Groups At-Risk</td>
<td>Individuals Affected</td>
<td></td>
</tr>
</tbody>
</table>
In Practice...

<table>
<thead>
<tr>
<th></th>
<th>Universal</th>
<th>Targeted</th>
<th>Intensive</th>
</tr>
</thead>
<tbody>
<tr>
<td>PBIS</td>
<td>Setting and modeling school-wide expectations; reinforcing positive prosocial behaviors</td>
<td>Programs, processes, interventions targeted to those who may need additional support</td>
<td>More individualized supports above and beyond Tier 2/targeted supports</td>
</tr>
<tr>
<td>RJ</td>
<td>Building effective working relationships at all levels</td>
<td>Assist/facilitate building social-emotional skills, coping skills, conflict resolution skills</td>
<td>Mediation of all stakeholders and affected parties to facilitate the repair of relationships</td>
</tr>
</tbody>
</table>

**Both PBIS and RJ focus on prevention as primary goal to reduce the need for more targeted and intensive intervention supports.**

Role of School Psychologists in Restorative Practices

Utilizing Current Skillsets
What We Bring to the Table as School Psychologists

- Data Collection and Analysis
- Progress Monitoring
- Consultation and Collaboration
- Knowledge of Evidence-Based Interventions
- Research and Program Evaluation
- Crisis Response
- Prevention and Intervention Practices
- Ethics, Law, and Systems

http://www.nasponline.org/about-school-psychology/who-are-school-psychologists

Specific Components of Restorative Justice

- Building effective relationships among all parties (students, teachers, administrators, families)
  - Active listening; affective statements and questions
  - Positive reinforcement for more than just rule-following behaviors (e.g., empathy, conflict resolution, de-escalation, etc.)
  - Peer and adult mentor programs
- Increasing school connectedness in students and families
  - Input from students, families, communities
  - Increase student involvement in extracurricular activities
- Opportunities to work through presenting concerns
  - Informal conferences
  - Reframing
  - Problem-solving
  - De-escalation in a safe place (e.g., therapeutic classroom, cool-down room)
- Utilizing “circles” to facilitate discussion, communication, connectedness
Components (cont.)

- Consideration of viable alternatives to traditional forms of discipline
  - Solution-focused conferencing
  - Restitution
  - Community service
  - Mediation/facilitation of meaningful dialogue among all involved parties
  - Behavior plan
  - Skill-building (e.g., anger management, assertive communication, conflict resolution, etc.)
  - Peer mediation; Youth Court
- Address underlying needs
  - Response-to-Intervention, potential suspected disabilities
  - Work with behavior interventionists, specialists
  - Consultation with school mental health professionals
  - Connecting families to community-based resources and services; drug abuse programs
  - Ongoing staff training/development
- Assist students who are transitioning back to public school setting after any school removal

A Team Approach

- Campus-based coordinator/point-person for Restorative Justice
  - Data collection and review, with administrators
  - Ensure implementation follow-through, fidelity
  - Facilitate meetings to ensure collaborative process
- Collaboration among all parties/stakeholders is key
  - Students
  - Parents/Families
  - Administrators
  - Teachers
  - School Counselors
  - Psychological Services Personnel
  - Police Officers
  - Community At-Large
Restorative Circles
Building and Maintaining a Sense of Community

Use of Circles

Restorative Circles creates a space in which students can communicate with other students, teachers, and/or administrators

- **Purpose**
  - Give each person a voice
  - Promotes the capacity to express opinions/emotions
  - Safe place for sharing experiences
  - Encourage others to listen and learn from peers
  - Promote all to appreciate one another

- **Primary (Proactive) Circles**
  - Relationships, Connectedness, Community

- **Secondary (Problem-Solving) Circles**
  - Conflict Resolution, Reflection

- **Tertiary (Intervention) Circles**
  - Repairing Harm
  - Restoring Relationships
In Summary...

- Schools are pushing at-risk and/or marginalized students out through punitive forms of discipline, which result in class and/or school removal.
- Students who receive punitive forms of discipline are more likely to drop out of school as well as more likely to be arrested.
- PBIS is an evidence-based process that focuses on connectedness and behavior management.
- RJ focuses on building relationships, conflict resolution, and repairing harm done.
- A collaborative team approach is necessary for PBIS and RJ to work effectively.
- School Psychologists have the necessary skillsets to assist in implementation of restorative practices.

Restorative Justice is a Process

- Dynamic, flexible approach to discipline.
- Focus on building, maintaining, and repairing relationships.
- Tiered approach that begins with school connectedness and sense of community.
- Addresses the underlying needs and/or skill deficits of all involved parties.
- Everyone has a voice at the table; collaborative in nature.
- The use of community-based circles provides a foundation to facilitate dialogue among all parties.
What Now?
Developing a Plan of Action

Steps in Systems Change

• Identify potential allies
• Develop common concerns and goals
• Identify strengths and resources
• Develop action plan
  • Research and training
  • Planning and organizing
  • Implementing plan
  • Review, revise, revisit

(adapted from Briggs, 2013)
Examples from the Field...

• Positives
  • Established PBIS, RtI programs and procedures, ongoing data collection and progress monitoring
  • Use of behavioral specialists at both the campus level and district level
  • Collaboration among various departments within the school district
  • Administrator and educator trainings
  • District/campus committees
  • Student Code of Conduct that emphasizes restorative practices

• Obstacles
  • Implementing various evidence-based practices with fidelity at the classroom and individual level
  • Buy-in from teachers; ensuring practicality and feasibility of recommendations provided to teachers
  • Buy-in from students, families, and communities
  • Sufficient funds/resources for implementing evidence-based practices
  • The need for ongoing/follow-up trainings for educators

Online Resources

• The Council of State Governments Justice Center Youth Page

• The Institute for Restorative Justice and Restorative Dialogue
  http://irjrd.org/restorative-discipline-in-schools/restorative-discipline-resources/

• Illinois Balanced and Restorative Justice (IBARJ)

• Fix School Discipline – Resources & Research
  http://www.fixschooldiscipline.org/research/

• Findings from Schools Implementing Restorative Practices

• The Equity Project at Indiana University
  http://www.indiana.edu/~equityiu/

• Centre for Justice and Reconciliation
  http://restorativejustice.org/rj-library
RJ Implementation Guides

- Dept of Education Guiding Principles (2014)
- Fix School Discipline Toolkit for Educators (n.d.)

Presentation Resources

Presentation Resources (cont.)


Presentation Resources (cont.)

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