

# 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%

*Source:* 2016 Comprehensive Biennial Report on Texas Public Schools, TEA (March 2017)

## 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...?

	Preschool Enrollment	Out of School Suspension
Males	54%	79%
Females	46%	21%
African Americans	18%	42%
Caucasians	43%	28%

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

	% School Enrollment	% Referrals to Law Enforcement	% School-Related Arrests
Caucasian	51%	41%	39%
African American	16%	27%	31%
No Disability	88%	75%	75%
IDEA Disability	12%	25%	25%

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; Braithewaite, 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

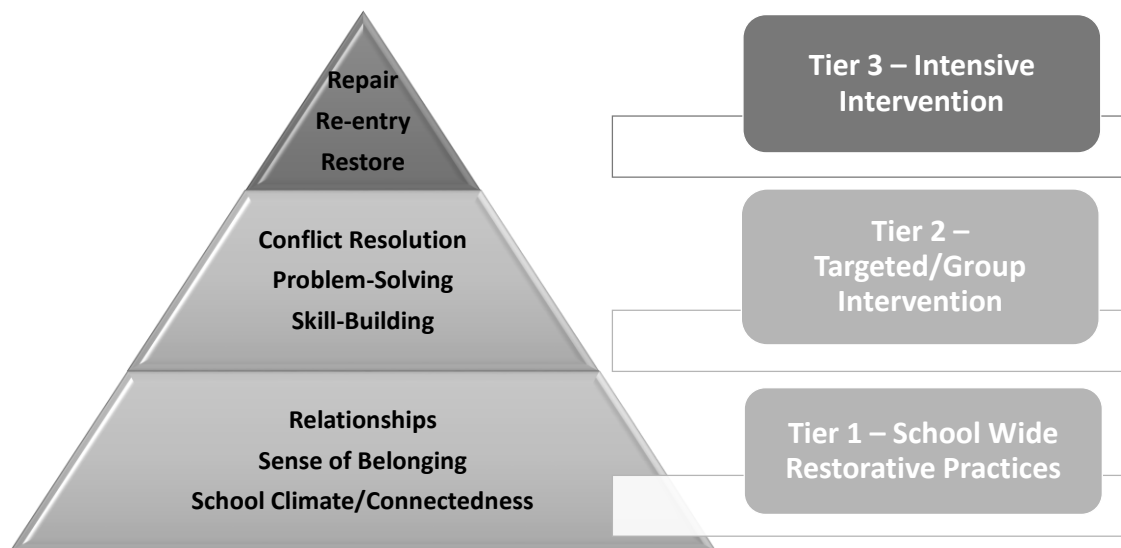
## Revisiting Cultural Competency: Working with African-American Youth & Families

- 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

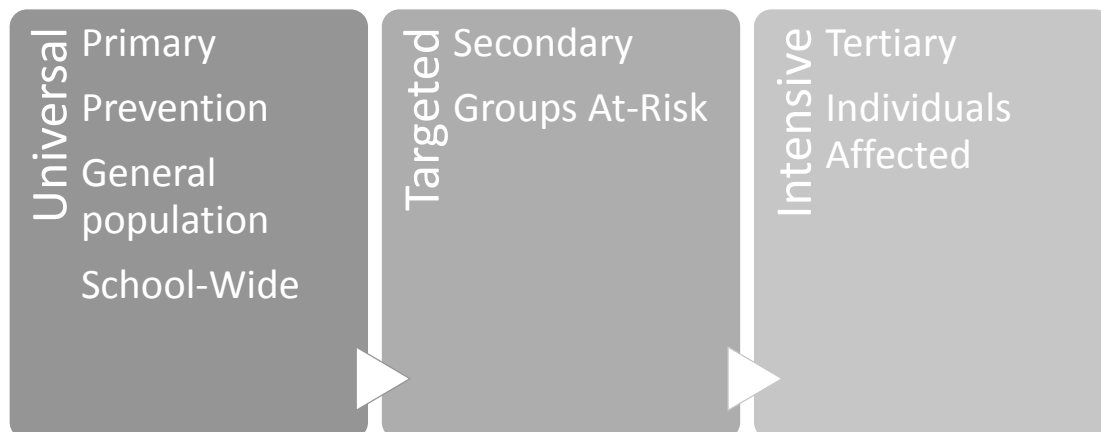
## A Tiered Approach...



## 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



## In Practice...

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

\*\*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  
<https://csgjusticecenter.org/youth/improving-school-discipline-in-school-systems/>
- The Institute for Restorative Justice and Restorative Dialogue  
<http://irjrd.org/restorative-discipline-in-schools/restorative-discipline-resources/>
- Illinois Balanced and Restorative Justice (IBARJ)  
<http://www.ibarj.org/dataEvaluation.asp>
- Fix School Discipline – Resources & Research  
<http://www.fixschooldiscipline.org/research/>
- Findings from Schools Implementing Restorative Practices  
<https://www.iirp.edu/pdf/IIRP-Improving-School-Climate-2009.pdf>
- 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.)
- Implementing Restorative Justice: A Guide for Schools (2009)
- Minnesota Dept of Education Restorative Interventions Toolkit (2012)
- Restorative Justice: A Working Guide for our Schools (2011)
- Restorative Practices: A Guide for Educators (2014)

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