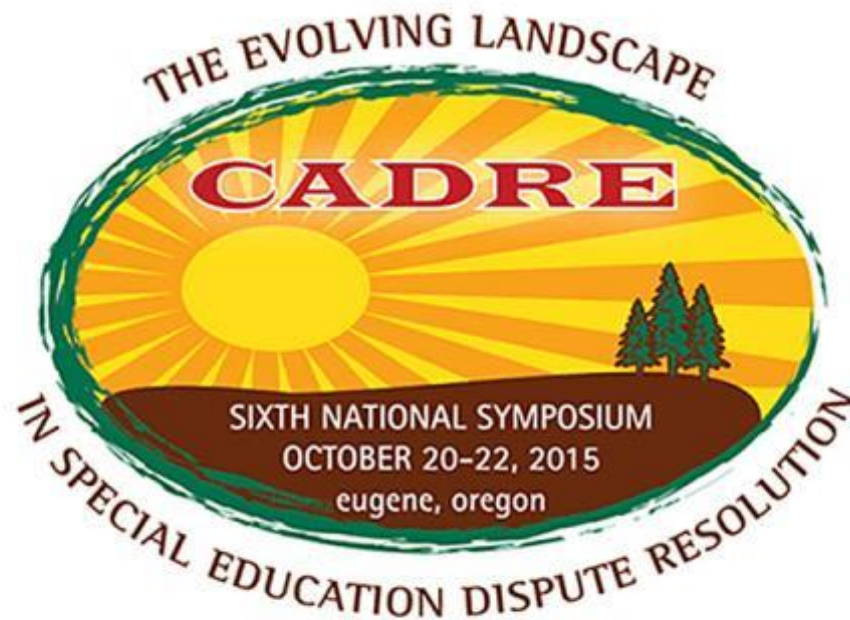


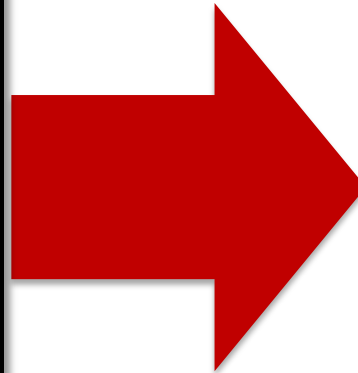
# Restorative Justice:

## Evolving Practices for Special Education Students Discipline that Restores

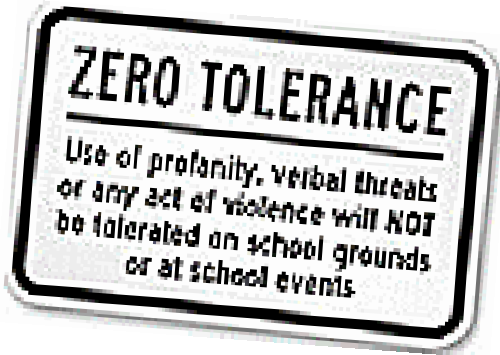
National Center for Appropriate Dispute Resolution in Special Education CADRE Sixth National Symposium



# History of Discipline in American Public Schools



# History of Discipline in American Public Schools

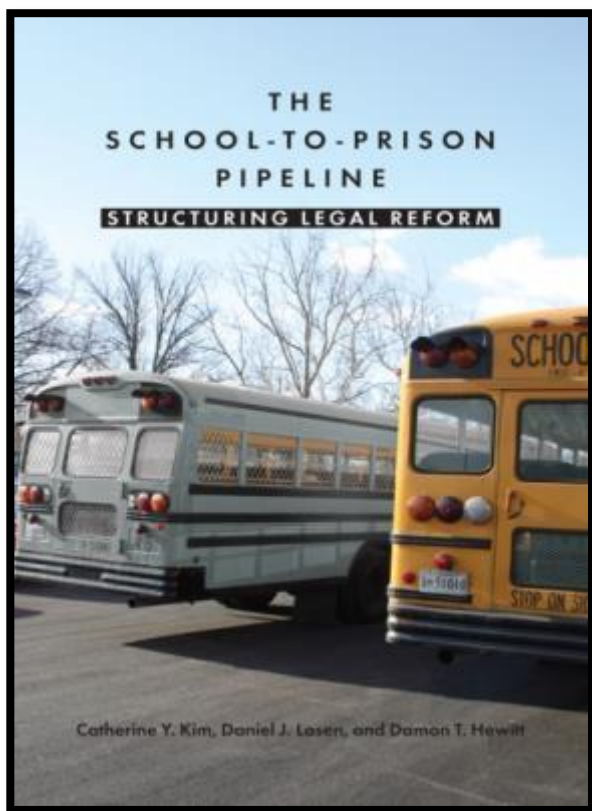


2000 .....





# History of Discipline in American Public Schools



2005 .....





## Issues of Punitive, Zero Tolerance :

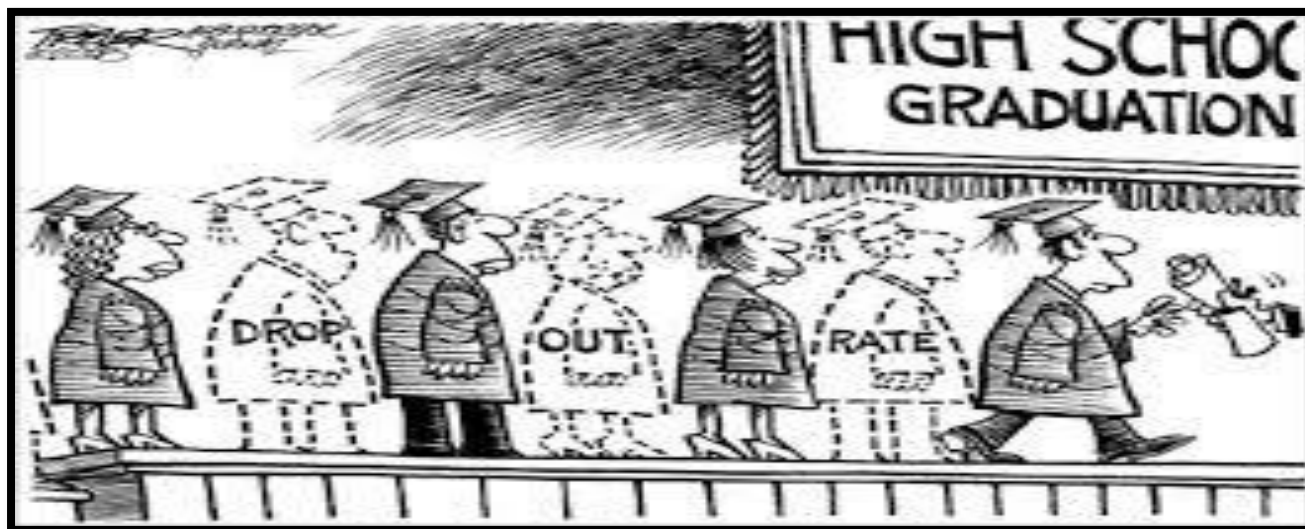
- **Suspended/Expelled Students out on the streets instead of in school**
- **Students DROP OUT**
- **Students are PUSHED OUT**



2000 ...



# Issues of Punitive, Zero Tolerance : DROP OUTs



2000 .....



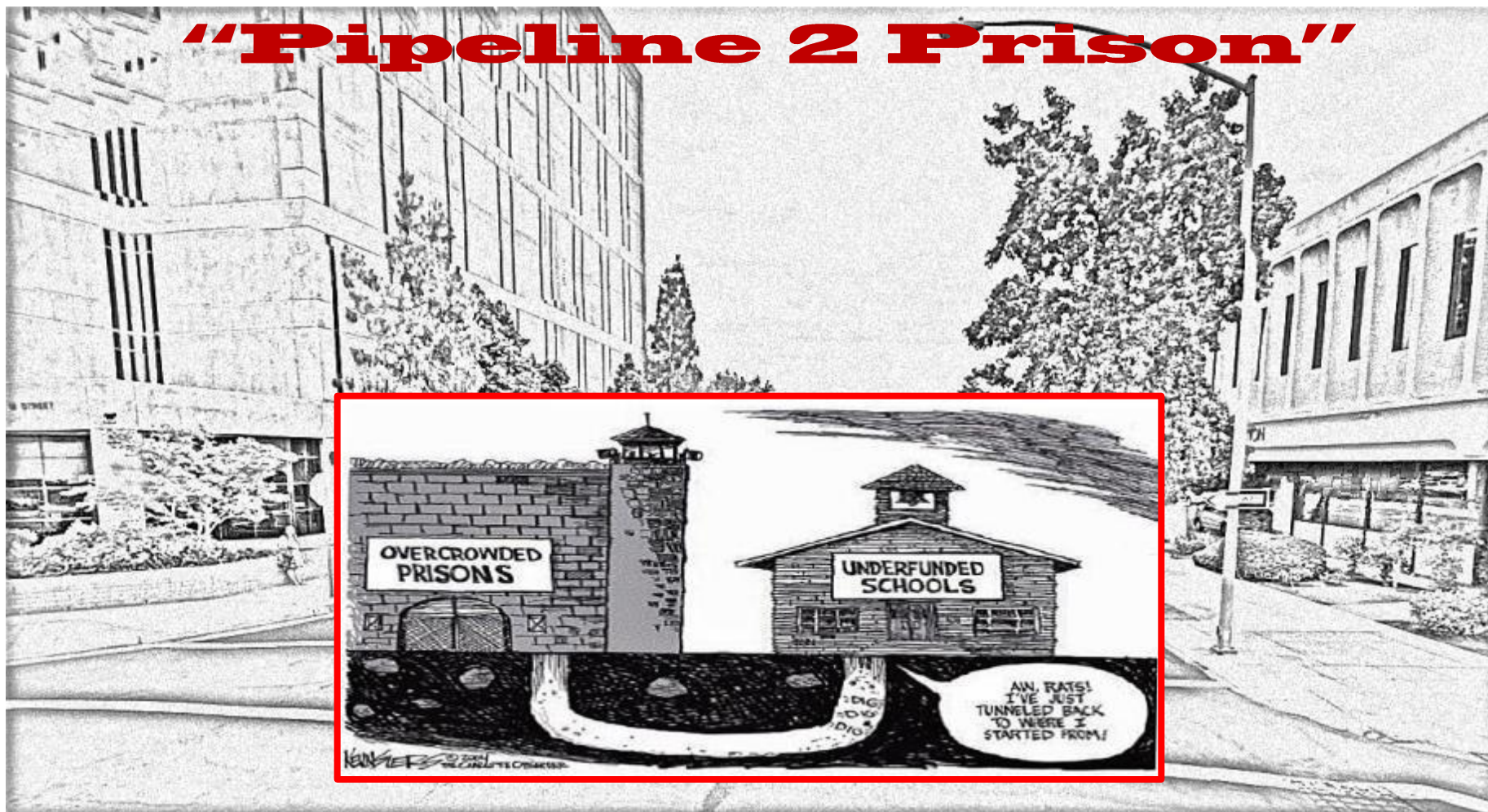
# Issues of Punitive, Zero Tolerance : Drop out rates ~ disproportionate & racially discriminatory

- Black and African American students and students with disabilities disproportionately punished with exclusions:
  - In Massachusetts public schools: Black students **43%** of all suspensions vs. **9%** of total student population (Taylor et al., 2014)
  - Youth with disabilities **4x** more likely to be suspended (NY ACLU, 2011)
  - Black students placed into **special education** for **behavioral issues** over cognitive ones (Moore, Henfield & Owens, 2008)

2000 .....

# Issues of Punitive, Zero Tolerance :

**"Pipeline 2 Prison"**



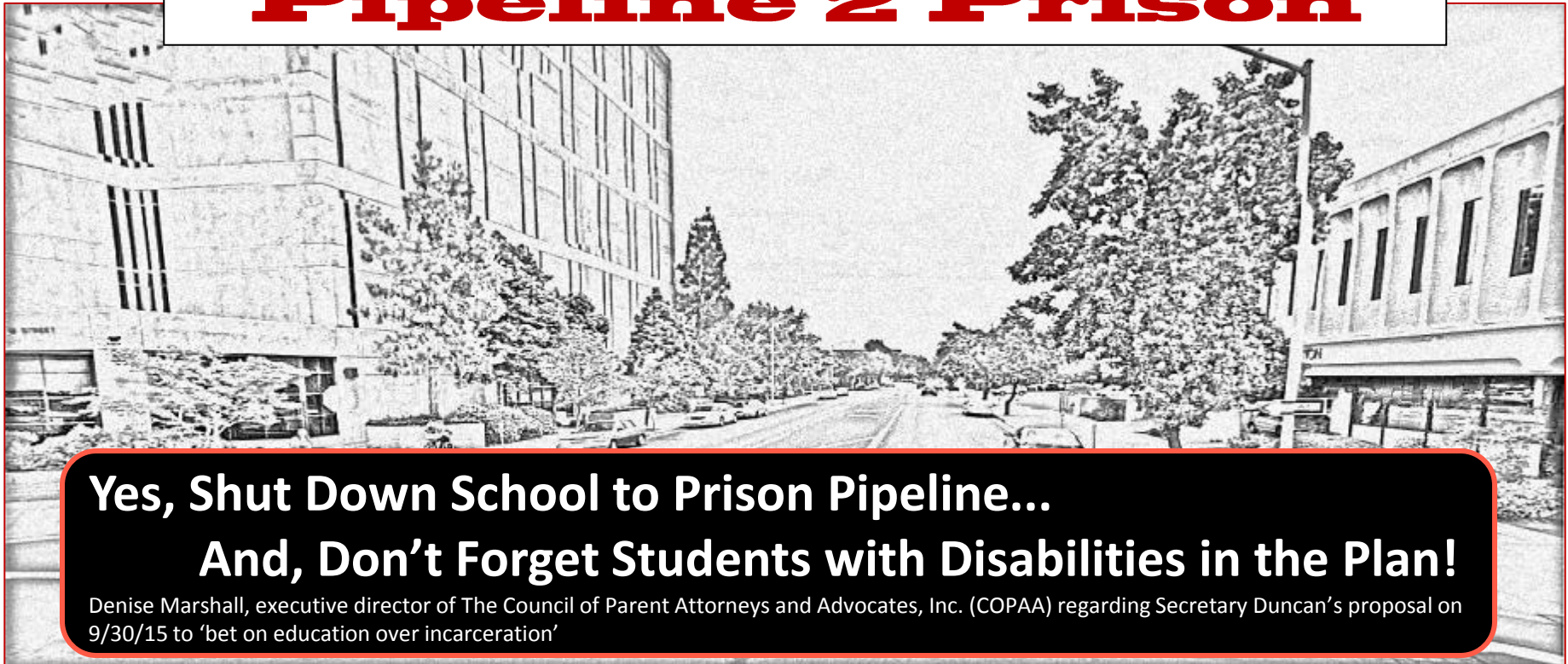


# SECTION 5.7 Restorative Justice: Evolving Practices for Special Education Students

Discipline in American Public Schools

Issues of Punitive, Zerotolerance:

**“Pipeline 2 Prison”**



**Yes, Shut Down School to Prison Pipeline...**

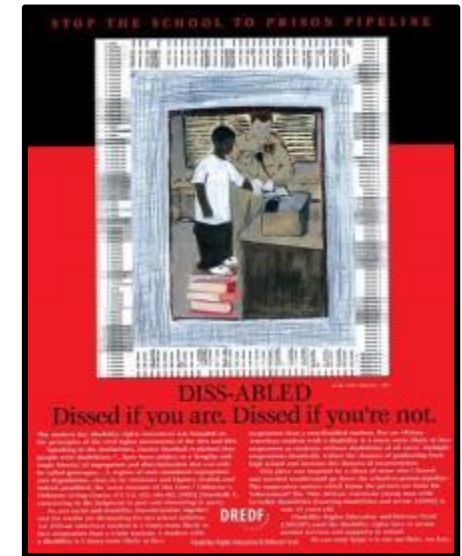
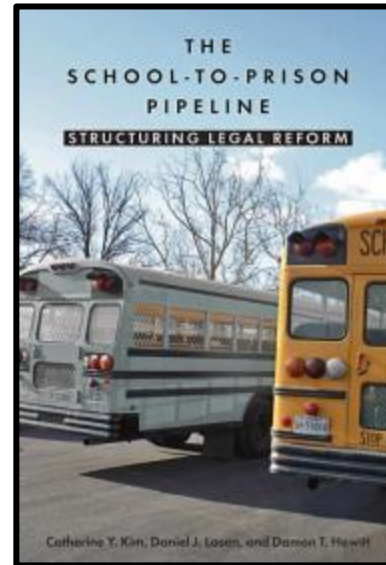
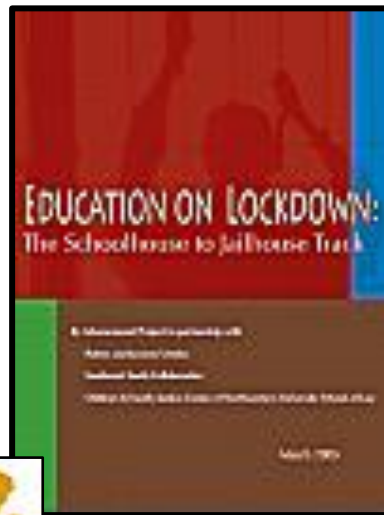
**And, Don't Forget Students with Disabilities in the Plan!**

Denise Marshall, executive director of The Council of Parent Attorneys and Advocates, Inc. (COPAA) regarding Secretary Duncan's proposal on 9/30/15 to 'bet on education over incarceration'



# Issues of Punitive, Zero Tolerance :

## **"Pipeline 2 Prison"**





## **"Pipeline 2 Prison"**

# **OPPOSITION EXTREME**

- **Parents & Community**
- **Professional Org – Legal, ABA, Medical, Education, APA**
- **Academic & Institutions**
- **Teachers & Unions**
- **Non-Profits & Philanthropic**
- **Courts & Legislatures**
- **Federal Executive Branch**



# COMMUNITY ORGANIZING

**FIX SCHOOL DISCIPLINE**  
How We Can Fix School Discipline (2013)

## Fix School Discipline.org

82% of this country's prisoners are high school drop outs.

Statisticians estimate that the United States would save **\$300 billion** if the number of students who drop out in just one year were converted into graduates.

**PUSH BACK AGAINST SCHOOL PUSHOUT**

**Public Counsel LAW CENTER**

Public Counsel is a public member of Public Counsel Law Center, the Public Interest Law Office of the Los Angeles County Bar Association.

Public Counsel  
400 South Ardmore Avenue  
Los Angeles, California 90003

Tel: (213) 482-2177  
Fax: (213) 581-9038  
www.publiccounsel.org

**RULES FOR RADICALS**  
Saul D. Alinsky  
A Pragmatic Primer for Realistic Radicals

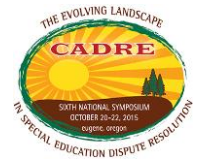
School discipline feeds the "pipeline to prison"



## **"Pipeline 2 Prison"**

# Solutions Sought Changes:

- Discipline expanded to Restorative Justice
- Behavior Issues Addressed & Social Emotional Learning
- Change in School Climate
- Communication Skills Developed & Encouraged



# **“Pipeline 2 Prison”**

## Response & Changes:

- Federal Response – Guidance Letters & Dept. Initiatives
- State Laws & Regulations
- Local Government
- School Board Policies & Practices
- Implementation at School Sites



# Restorative Practices Could Be Used to Benefit Special Education Students

- Academics
- Behavior
- Bullying
- Discipline
- Emotional & Psychological Learning
- Inclusion
- Social Skills
- Transition Planning



# Restorative Practices Could Be Used to Benefit Special Education Students

- **Minorities**
- **Foster Children**
- **Juvenile Delinquents**
- **Poverty/ Stress/ Trauma**
- **FAS**
- **Language & Cultural Differences**
- **Homeless**





# Restorative Practices Could Be Used to Benefit Special Education Students

- **Classrooms School Activities & Lunchroom**
- **Transportation**
- **Early Conflict Resolution**
- **Mediation/ Resolution Sessions**
- **Remedies**



# POSITIVE Expansion of Restorative Practices for Special Education Students at Federal Level 7/22/2015

- U.S. Dept of Education Initiative & White House Conference ~ “Rethinking Discipline Initiative”

“Addressing the Root Causes of Disparities in School Discipline: An Educator’s Action Planning Guide”

Includes: Gathering Special Education Discipline Data

Days of Suspension & Manifest Determination Info

Data Checklists

Data Mining Sheets

Risk Assessment Tools



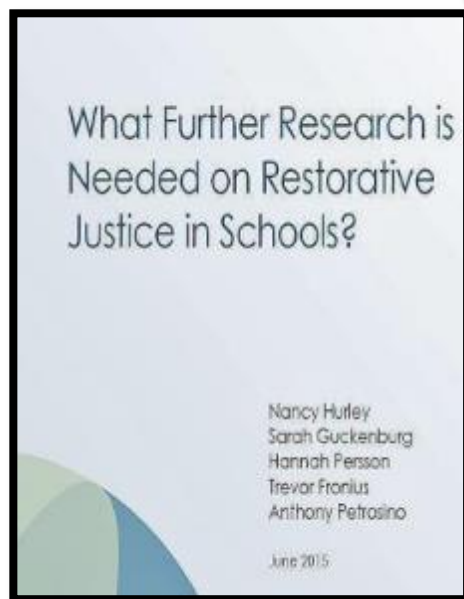
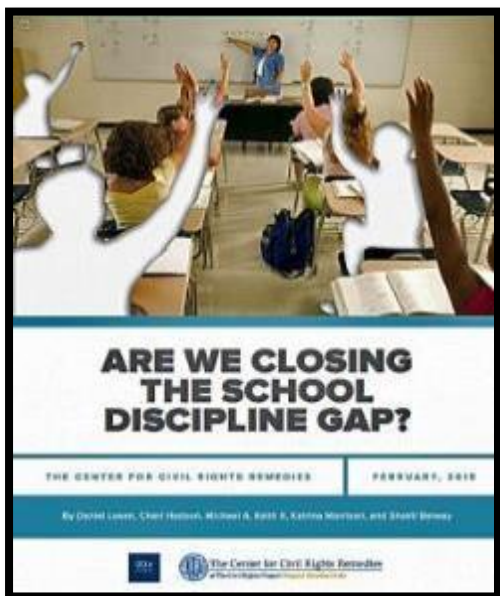
Most comprehensive report to include special education students





# New publications Reviewing Implementation

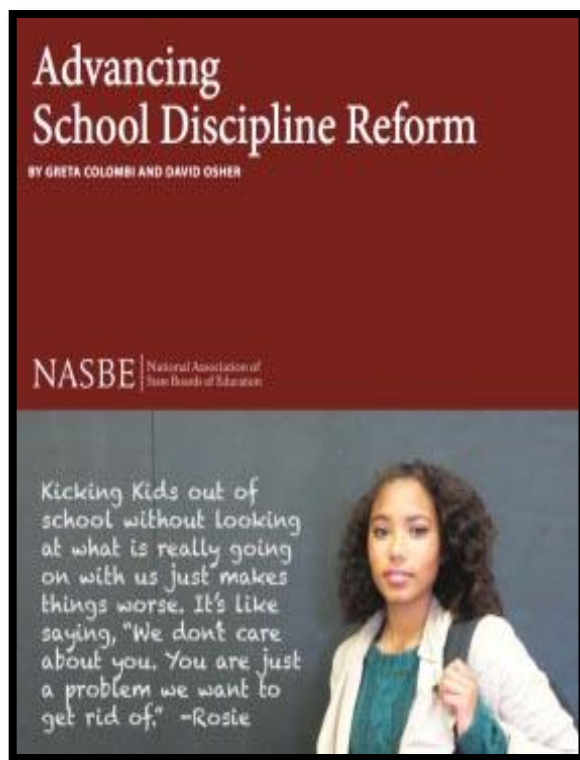
## Considering Disabled Students





# New publications Reviewing Implementation

## But not considering disabled Students

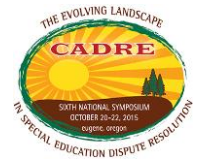




# How Parents & Community Can Help Develop Restorative Programs

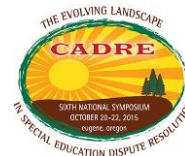
## 1. Partner & Form Study Groups/Task Forces with:

- other parent organizations (CAC / PTA)
- universities / institutions
- service organizations
- faith-based groups
- business partnerships
- juvenile court judges
- non-profits / foundations “think tanks”



# How Parents & Community Can Help Develop Restorative Programs

- 2. Know the implementation schedule**
  - **Critical to avoid discussing it to death – “Theory of Action” is NOT action**
- 3. Learn more about programs and their scope – entire district or limited pilot programs**
- 4. Monitor training, access, and fidelity**



# How Parents & Community Can Help Develop Restorative Programs

5. Ensure leadership is capable and can identify problems, then make changes to fix (sustainability improves with this ability)
6. Advocate with school board and other elected officials
7. Understand data
  - Do Popular “Data Dashboards” Include Special Education Students?
  - Do Task Forces & Research Include Special Education Students?
  - Does Data Include Assessing Special Education Disputes
  - Is Data Current & with Key Data – Suspensions, Transfers, Days Lost to Suspensions –

Disaggregated by All Subgroups



# How Parents & Community Can Help Develop Restorative Programs

## 7a. Understand IDEA data further

KNOW the IDEA STATS:

- ✓ Although students served under IDEA represent 12 percent of students in the country, they are more than twice as likely to receive one or more out-of-school suspensions as non-*IDEA* students (13 percent versus 6 percent), and they make up 25 percent of students referred to law enforcement and 25 percent of students who are the subject of a school-related arrest.
- ✓✓ Students with disabilities (under the *IDEA*) represent 12 percent of students but nearly 75 percent of the students who are physically restrained in their schools.
- ✓✓✓ Additionally, research has found that the overwhelming majority of suspensions are determined at the discretion of local school officials and not mandated by state law or policy.



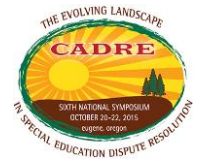


# How Parents & Community Can Help Develop Restorative Programs

## Implementation ideas:

UNIQUE NEEDS

- Develop keen eye to identify issues & areas of concern.
- Understand so well that can be on high alert for possible problems in implementation so problems can be identified and worked through early.
- Issue is integrating & new process so will be problematic.
- Learn from the mistakes of others in RJ Movement.



# How Parents & Community Can Help Develop Restorative Programs

*The CADRE community has been integral to expanding Restorative Discipline to Special Needs students by bringing various stakeholders together, including an academic & an advocate, to appreciate the evolution of how Restorative Justice to change school discipline, to share “Discipline That Restores,” and to discuss avoiding disputes to prepare by using authentic, accessible, and equitable practices students with disabilities for education, employment & independent living. Hopefully, Restorative Justice practices will be adopted in schools for Special Education student to promote social justice and equity and this discussion will continue .....*