

Restorative Justice Practices and Restorative Pathways

Fauquier County Public Schools

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PBIS Positive Behavioral
Interventions & Supports
OSEP TECHNICAL ASSISTANCE CENTER

August 7, 2014

Recommendations for Addressing Discipline Disproportionality in Education

Kent McIntosh, Erik J. Girvan, Robert H. Horner, Keith Smolkowski, & George Sugai

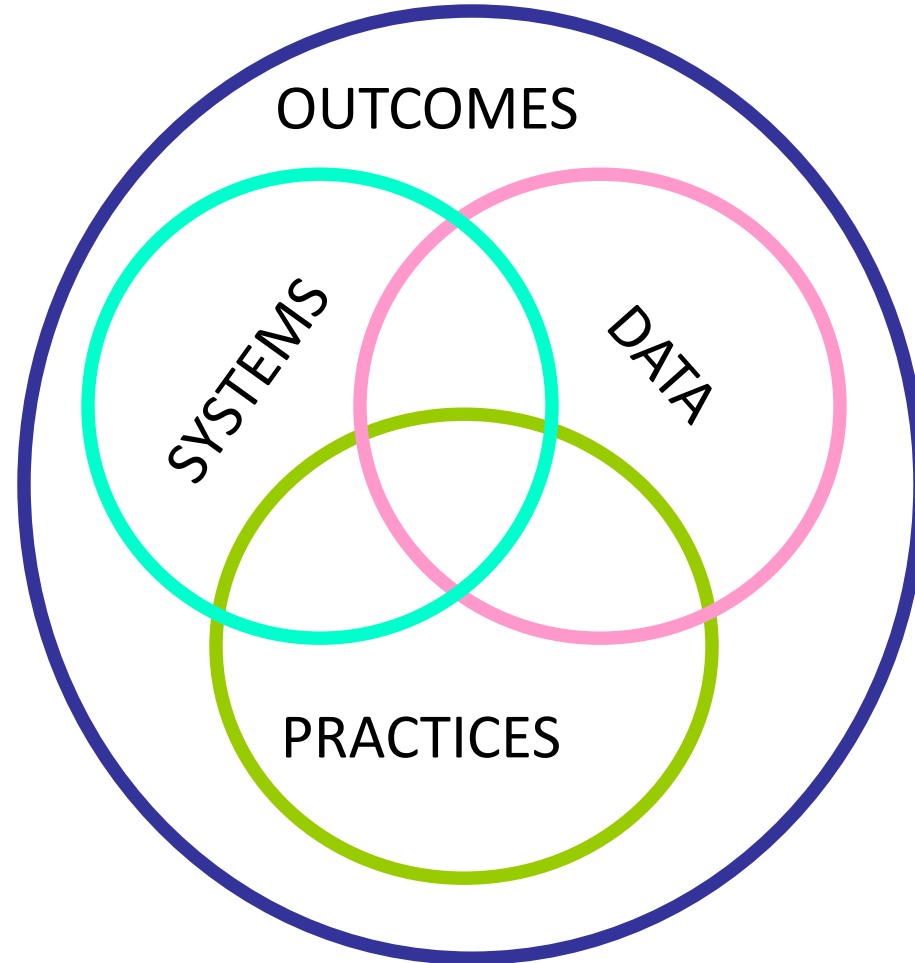
Effective Intervention to Prevent and Reduce Disproportionality

1. Use engaging **academic instruction** to reduce the support gap (achievement gap)
2. Implement a **behavior framework** that is preventive, multi-tiered, and culturally responsive
3. Collect, use, and report **disaggregated** discipline data
4. Develop **policies** with accountability for disciplinary equity
5. Teach **neutralizing routines** for vulnerable decision points

Tiered System Logic
SW-Positive
Behavior
Support

Social Competence &
Academic Achievement

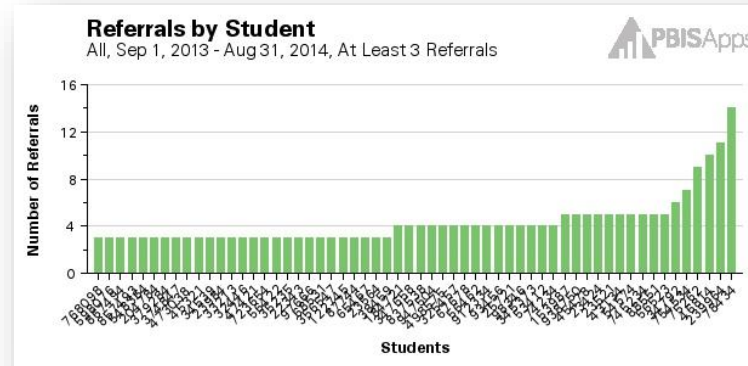
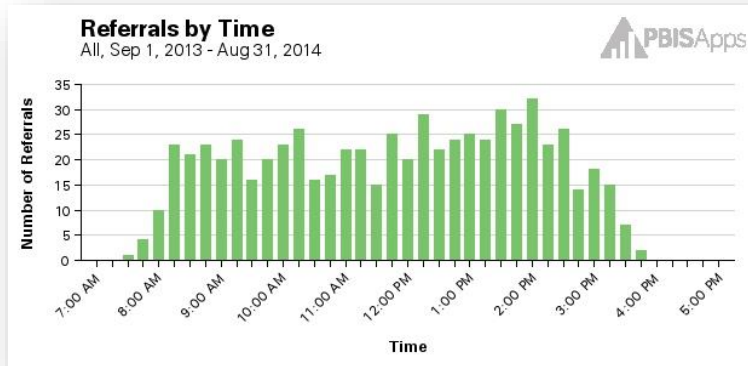
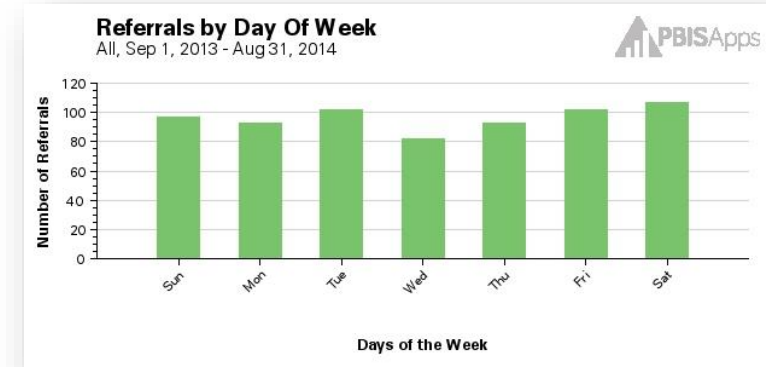
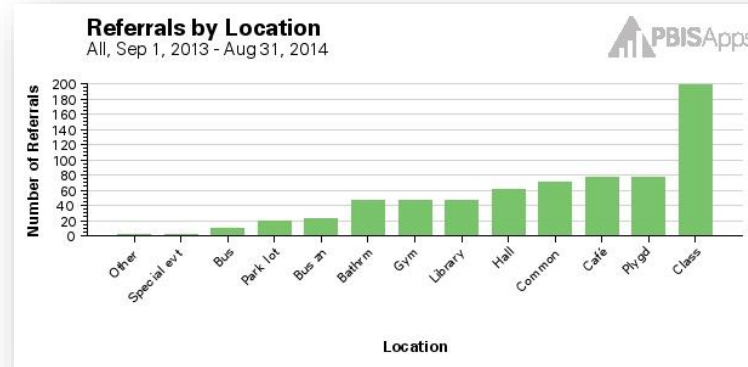
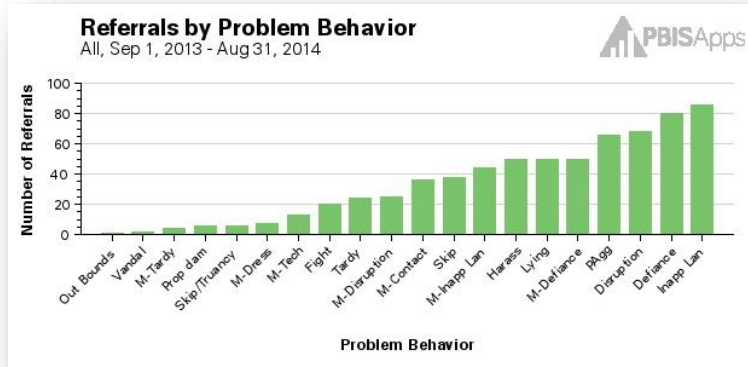
Supporting
Staff Behavior
Families,
Communities



Supporting
Decision
Making

Supporting
Student Behavior

DATA: School Level Reports **ESSENTIAL**



What is a Vulnerable Decision Point (VDP)?

- A specific decision that is more vulnerable to effects of implicit bias
- Two parts:
 - Elements of the situation
 - The person's decision state (internal state)

Disparity in consequences is even more apparent
when we look at
“Discretionary” Discipline Behaviors

- **“Cut and Dried” Behaviors** – e.g. possession of substance, possession of weapon, physical aggression
- **“Discretionary” Behaviors** are more prone to subjective judgments

The three D’s are examples of Discretionary Behaviors

- **Disrespect**
- **Defiance**
- **Disruption**

Vulnerable Decision Points: The “Three D’s”

Disrespect, Defiance, Disruption

The “Three D’s” represent discretionary responses to behaviors.

- **“Gray areas” where educators make varying decisions about**
 - willingness to offer “another chance” to try again, next steps,
 - willingness to offer problem-solving opportunities rather than consequences,
 - the degree/type/severity of consequences
- **Is the behavior worthy of a discipline referral or is it a “teachable moment”?**
- **If I do write up the student behavior for a referral, will I designate it as a Major or Minor Behavior?**

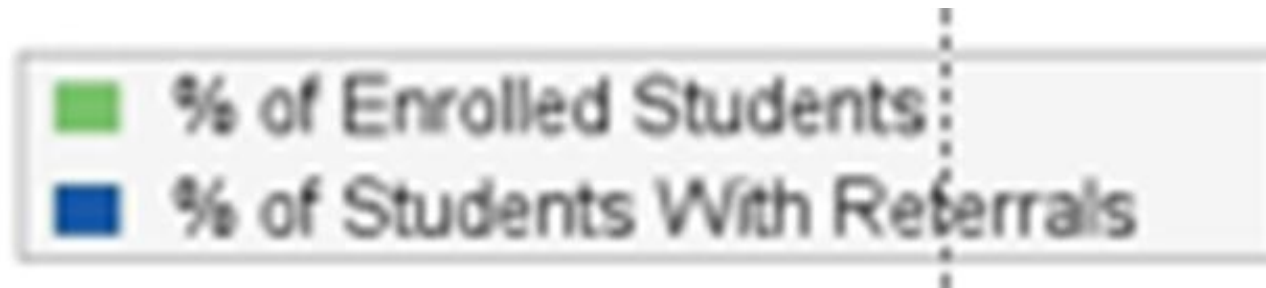
Perspective Example: Disruption or Teachable Moment?

Infraction	Notes
Disruption	Refusal to do work, throw paper
Disruption	Refusal to do work, cry, pout, stomp
Disruption	Off task, refusal
Disruption	Arguing with teacher
Disruption	Prohibited teaching and learning
Disruption	Playing, throwing water
Disruption	Off task
Disruption	Throwing paper, yelling, hitting, crawling
Disruption	Not following directions, playing, off task
Disruption	Not following directions

The following Graphs will compare

% of **Enrolled Students** in each group (**GREEN**)

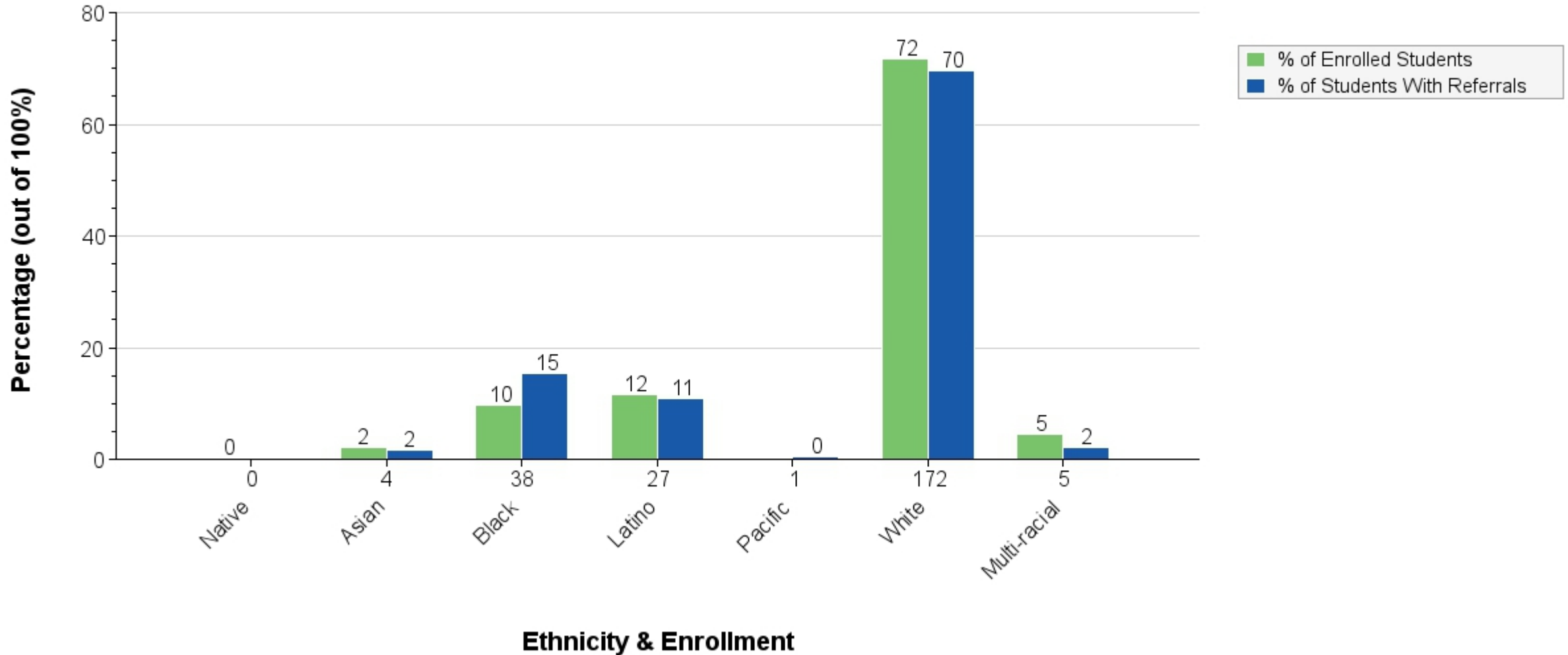
% of **Students with Referrals** (**BLUE**)



All Discipline Referrals for School A

Students With Referrals By Ethnicity

Drill Down

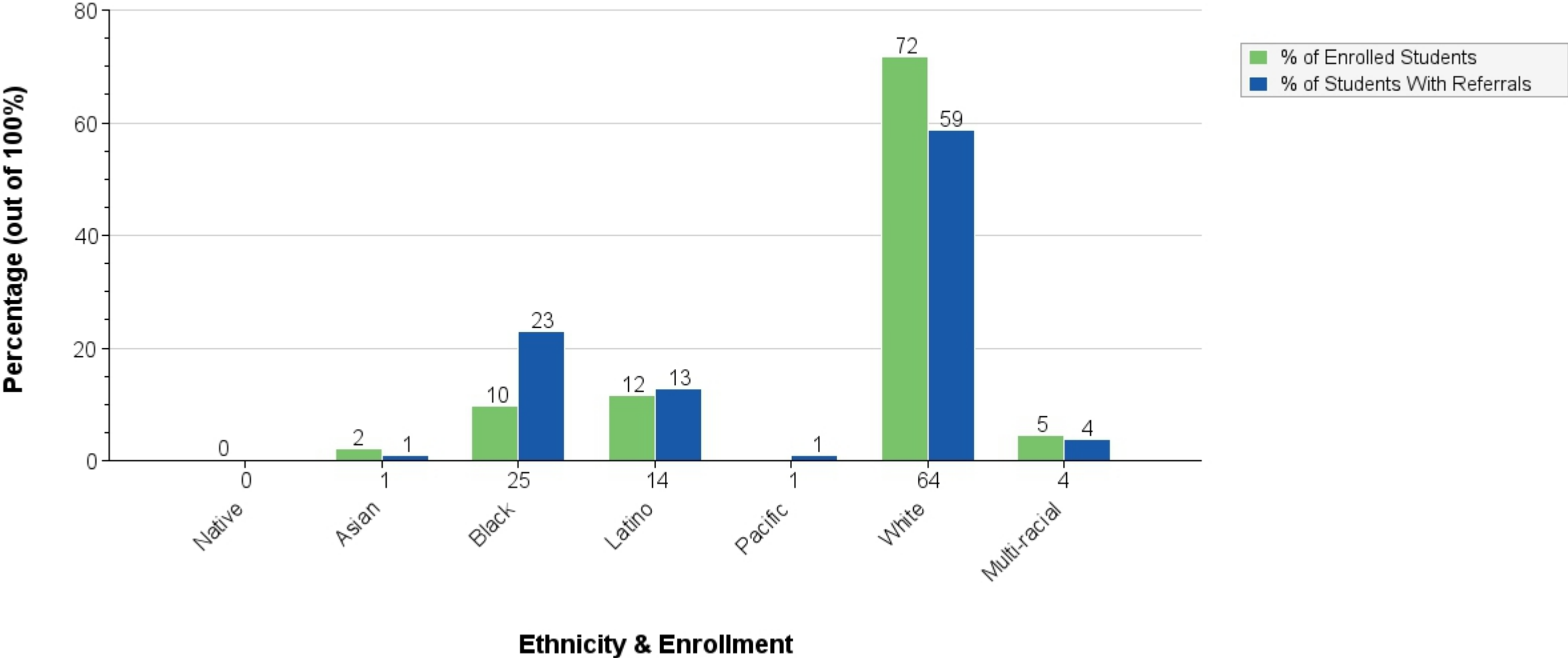


Disrespect, Defiance, Disruption (the 3 D's)



Students With Referrals By Ethnicity

Drill Down



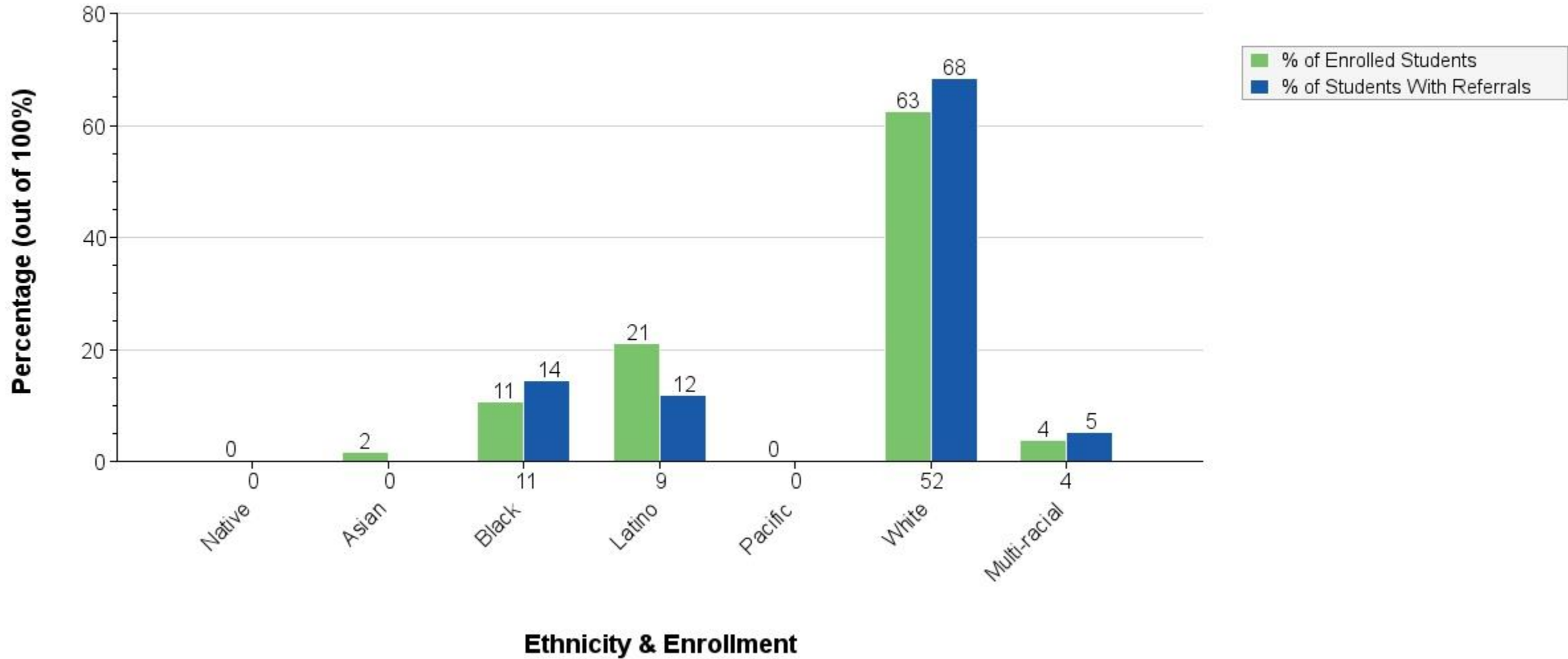
Now let's look at the same data for School B

School B in the following slides is implementing many options for behavioral support using **PBIS** evidence-based practices and interventions.

All Discipline Referrals for School B

Students With Referrals By Ethnicity

Drill Down

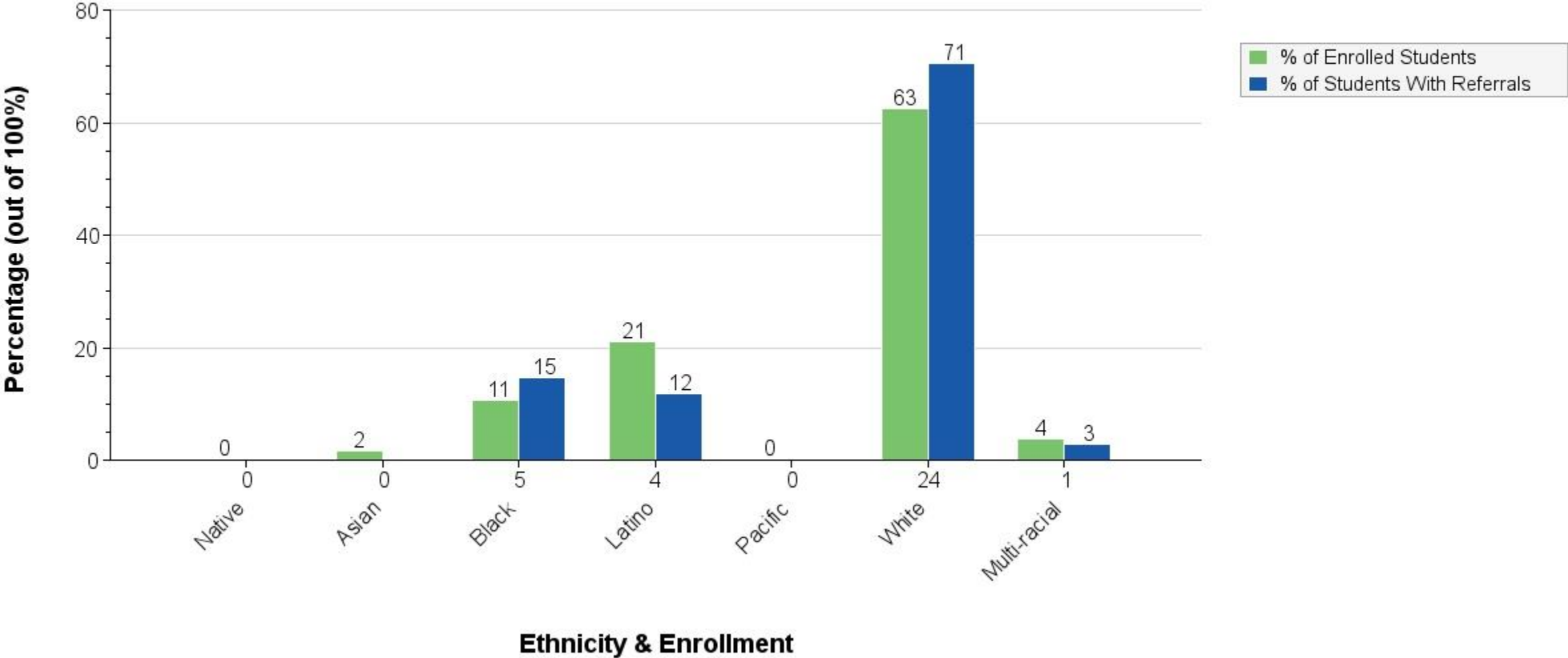


Disrespect, Defiance, Disruption (the 3 D's)



Students With Referrals By Ethnicity

Drill Down



Data-Driven Decision-making and Problem-solving

- **What is your data analysis telling you?**
- **Use Data to Raise Awareness**
 - **Understanding and more clearly defining concerns**
 - **Disproportionality – what does it look like at our school?**
- **Setting goals - use data for action planning and tiered support**

PRACTICES

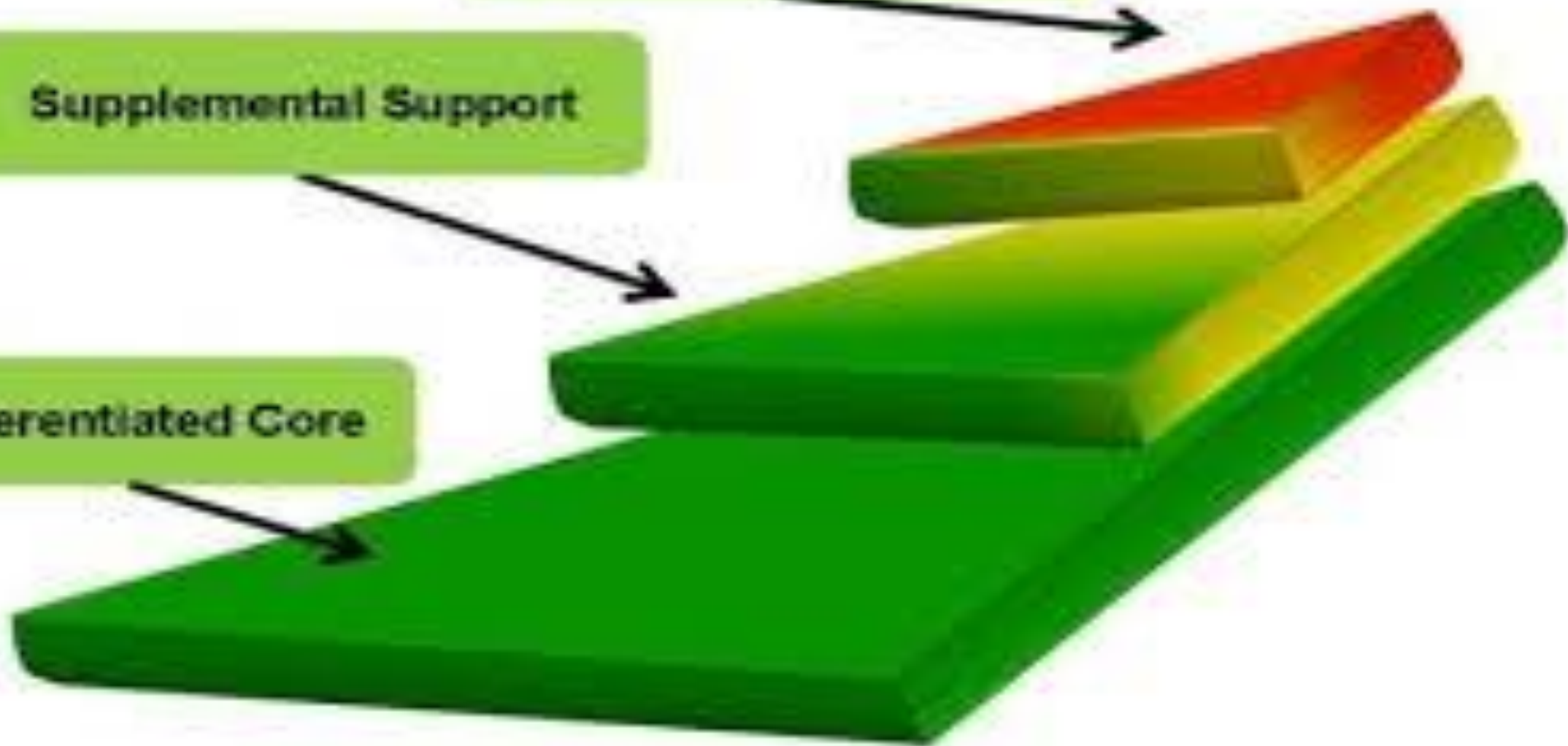
Restorative Justice TFI Companion Guide

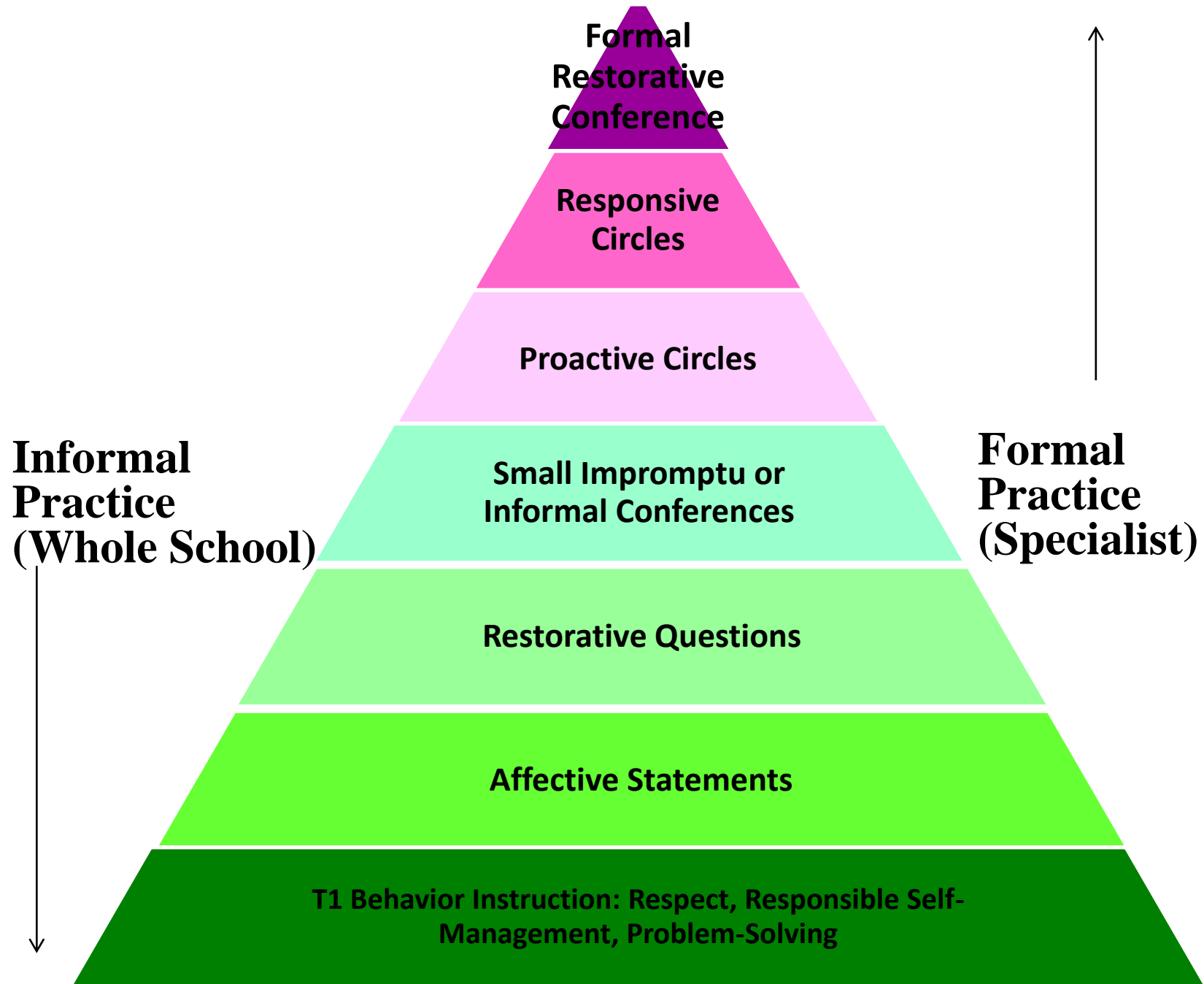
- **Restorative Justice** is a philosophy grounded in the belief that positive, healthy relationships help us thrive. When we do things that impact others and create harm to those relationships, it is our individual and collective responsibility to make things right.
- **Restorative Practices** are the **skills and processes** that help us build, maintain, and repair relationships to form **healthy, supportive & inclusive communities**. Restorative practices are processes that proactively build healthy relationships and a sense of community to **prevent and address conflict and wrongdoing**.

Intensive Support

Supplemental Support

Differentiated Core





RP Practices serve as Neutralizing Routines which reduce disparity

- Restorative questions**
- Focus and Recovery with Restorative Reflection**
- Restorative Chats prior to re-entry**
- PBIS structured coaching - Check-In/Check-Out**
- Involve CICO Coach in Restorative Problem-solving**

The Restorative Chat

1. Tell me what happened.
2. What you were thinking at the time?
3. What do you think about it now?
4. Who did this affect?
5. What do you need to do about it?
6. How can we make sure this doesn't happen again?
7. What can I do to help you?

Teachable Moments - Focus and Recovery

- Reflection
- Planning
 - Independent
 - Facilitated
- Re-Entry Procedure – teach this to both students and staff
- Stick the Landing

Restorative Pathways

RJ Conferencing Training alone is not enough – Support School as they build procedures

Proactive vs. Wait-to-Fail - Identifying students:

- Attendance
- Discipline
- Special Circumstances

Addressing Skill Deficits

- Interpersonal skills
- Self-management/Self-Regulation skills
- Problem-solving skills

Integrating RP& VTSS/PBIS - Tiered Support, Evidence-based

- Focus and Recovery
- Check-In/check-Out

Policy, Procedures, Practices

Alignment is key!

- Code of Conduct – Revisions**
- Referral Processes**
- Data Capture/Data Analysis systems**
 - School Wide Information System (SWIS)**

Code of Conduct

Instructional and Problem-solving Options

- **Opportunities to reflect on constructive next steps**
- **Restorative Practices and Problem Solving**
- **Coaching options**
- **Skill instruction for self-management, study skills, interpersonal skills, problem-solving**
- **Structured support plans**

Staff Development – Connected to RP

- Equity/Disparity, Culturally Responsive, VDP & Neutralizing Routines
- Trauma Impact on Behavior and Learning
- Understanding function of behavior and ABC's
- How to handle minor behavior infractions as “teachable moments”
- Minor Infraction Reports or Behavior Observation Report?
- Request for Assistance or Discipline Referral?
- Escalation Cycle
- Prevention Mindset: Predictable Problem-solving vs. Wait to Fail
- Coping Strategies for Stabilizing and Maintaining Equilibrium
- De-Escalation

Community Partnerships

- Greater Piedmont Trauma Informed Network
- Piedmont Dispute Resolution Center
- Mental Health School Coalition
- Mental Health Collaborative – Resiliency Goals
- Youth Mental Health First Aid

Example of Outcomes - Middle School

Reduction in Discipline incidents

implementing tiered behavior supports including Check-In/check-Out (CICO) and Focus and Recovery (FAR) Restorative Practices

<i>Impact of VTSS Tiered Behavior Supports</i>	2013-2014 (prior to participation in VTSS)	2014-15 Implement Tiered Supports CICO & FAR	2015-16 Implement Tiered Supports CICO & FAR	
Percent of students per school year with one or more discipline incidents	36% Of students had one or more discipline incidents	19% Of students had one or more discipline incidents	15% Of students had one or more discipline incidents	

Example of Outcomes - Middle School

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Percent of students per school year with one or more discipline incidents	36% Of students had one or more discipline incidents	19% Of students had one or more discipline incidents	15% Of students had one or more discipline incidents	11% Of students had one or more discipline incidents

Using Discipline Data within SWPBIS to Identify and Address Disproportionality: A Guide for School Teams

This practice guide is one of a series of guides for enhancing equity in school discipline. The guides are based on a 5-point multicomponent intervention described by McIntosh, Girvan, Horner, Smolkowski, and Sugai (2014). The 5 points include effective instruction, School-wide PBIS as a foundation for culturally-responsive behavior support, use of disaggregated discipline data, effective policies, and reducing bias in discipline decisions. This guide addresses use of data.

The recommendations and guides are available at:
<http://www.pbis.org/school/equity-pbis>.

Introduction

The purpose of this guide is to provide a reference for SWPBIS school teams in the use of discipline data (e.g., office discipline referrals, suspensions) in the area of racial and ethnic disproportionality in school discipline. The guide will describe a framework and steps for identifying levels of disproportionality, analyzing data to determine solutions, and monitoring the effectiveness of action plans in addressing disproportionality. Specific practices to address disproportionality are described in other guides in this series.

Audience

This guide is designed primarily for use by school or district teams seeking to reduce racial and ethnic disproportionality in school discipline, regardless of whether they are implementing SWPBIS.

<http://www.pbis.org/school/equity-pbis>

Recommendations to Reduce Disparity:

- **Positive Behavioral Interventions and Supports**
 - **Restorative Practices as Neutralizing Routines**
- **Encourage the use of alternatives to suspension and expulsion**
- **Describe alternatives in the code of student conduct which are consistent with PBIS**
- **Reviews of disaggregated school discipline data**

Effects of PBIS on Discipline Disproportionality

- **Vincent et al., 2011**
 - **Statistically significantly lower Black-White ODR disproportionality** in 72 schools implementing SWPBIS than in 81 schools not implementing SWPBIS
- **Vincent et al., 2009**
 - **Decreases in ODRs seen across racial/ethnic groups** in 69 schools implementing SWPBIS
- **Scott, 2001**
 - **Larger decreases in suspensions** for Black students when SWPBIS implemented
- **McIntosh et al., 2014**
 - Sustained decrease in suspensions over eight years of SWPBIS implementation **in an Indigenous school**