



September 2018

To the Honorable Members of the Joint Committee on Student Success for the State of Oregon and Representatives Barbara Smith Warner and Pam Marsh,

Attached is a seven page testimony from Resolve Center for Dispute Resolution and Restorative Justice of southern Oregon for your work on improving Oregon K-12 schools through the up-coming legislative session. I hope that this statement might complement the study by the Advisory Committee for the Oregon Department of Education, "Safe and Effective Schools for All Students" and the recommendations that have come from this research.

Restorative Justice in the schools and communities of rural southern Oregon holds a great deal of promise, as you will read. There are also many challenges.

Thank you for your review of this document and for your good work ahead,

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Deltra Ferguson".

Deltra Ferguson, Ph.D.
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I respectfully offer this statement as Executive Director for Resolve Center for Dispute Resolution and Restorative Justice. Resolve is one of a network of 16 community dispute resolution centers across the state of Oregon. Resolve serves southern Oregon and is partially funded through state dollars for services and programs in Jackson and Josephine Counties.

Resolve helps people manage conflict through mediation, repair harmed relationships and communities through restorative justice, and advance peace through conflict resolution education and training. We are professional mediators, educators, and community volunteers dedicated to building safer, healthier communities at home, at work, and at school. Resolve Center for Dispute Resolution and Restorative Justice has been serving southern Oregon communities since 1990*.

Restorative Justice for Southern Oregon Schools through Resolve Center for Dispute Resolution and Restorative Justice is a series of projects that actively pursue school wide systems change through the implementation of restorative justice. The practices of restorative justice reduce disparate disciplinary practices and make southern Oregon schools safer for all.

*In 2015, Resolve Center for Dispute Resolution and Restorative Justice became the new name for Mediation Works; A Community Dispute Resolution Center.

Why southern Oregon schools need restorative justice

Southern Oregon schools faces a challenge in keeping youth connected to school from kindergarten through graduation. Contributing factors to this problem of disconnection include struggles with poverty (as indicated by free and reduced lunch data and homeless youth) and a high concentration of English language learners and students with disabilities. Outcomes of disconnection include elevated levels of chronic absenteeism, drop-out rates and failure to graduate.

The Chronic Absenteeism Statewide Plan (released December 2016) outlines the relationship between two pivotal issues; missing school and consequent failure to graduate or complete high school. "(Oregon's) high absenteeism rates lead to devastating outcomes such as, students dropping-out, low graduation rates, and even juvenile justice contacts." Restorative justice implementation in schools aligns with several key recommendations from the report, including revising policies and procedures to eliminate discipline disparities, and using alternatives to suspension/expulsion. Restorative justice in schools impacts these pivotal issues positively by shifting school disciplinary policy from punitive, exclusionary responses to practices that promote accountability, inclusion, and most importantly relationship.

Resolve Center for Dispute Resolution and Restorative Justice provides a comprehensive program for helping schools implement restorative justice principles and practices, helping to shift a schools culture to one that is founded in human relationship and belonging, through accountability and honest dialogue. Resolve is helping whole schools transform by building relationship and accountability. When harms do happen,

schools have a way to respond that's non-punitive, supportive, and offers justice for the offending student and for those harmed and impacted. Kids feel safer, attend school, and graduate.

Restorative justice is a multi-tiered method for a school community to respond with when people have caused harm, or relationships within the school community need to be repaired. Mechanisms include community building circles, restorative conferences, re-entry conferences following suspension, restorative circles and dialogues, conflict resolution skill building, and bullying intervention. Schools are assisted in helping disruptive students with accountability, and with restoring a caring learning environment for students who have been harmed by bullying, harassment and other behaviors.

Zero-tolerance discipline policies and exclusionary discipline practices such as suspension and expulsion over the last two decades has resulted in increased student drop out and youth involvement in the justice system and incarceration. This trend, coined the "school-to-prison pipeline", clearly impacts students of color and students with disabilities in disproportionate numbers. (Oregon's School to Prison Pipeline, ACLU Foundation of Oregon, 2013) These same students, once involved with juvenile justice, have an increased likelihood to eventually end up in the adult prison system in the future. Restorative justice is helping to narrow the school-to-prison pipeline, keep kids in school while maintaining accountability in discipline processes, and turn this trend around.

Furthermore, restorative justice practices are trauma informed and build resilience. Restorative justice involves the development of resiliency factors; safe and supportive relationships, higher order thinking skills, social skills, communication skills, self-control, positive self-concept, and identification of interests and needs. These are all identified as the "soft skills" necessary for success in the workplace (*Building Youth Resiliency through Positive Youth Development: A Unified Systems Approach of YDC Funded Programs*, Arnold, et al. 2016) Dr. Arnold's study also offers that, "some research indicates that soft skill development better predicts employment and income as well as other success factors even better than academic or technical skills." When students attend school regularly and graduate they have a higher likelihood of transitioning successfully into the workforce or continuing education.

Restorative Justice School Projects

Oregon has identified 92 Oregon schools which will receive additional supports and interventions from the state to help increase student achievement and close persistent achievement gaps. In order to provide support to the schools that need it most, ODE identified high poverty (Title I) Priority schools for additional supports and interventions. These schools represent the bottom 5% of high poverty schools in the state and have been identified as most in need of assistance in turning around student achievement and growth.

Five of Resolve's twelve current restorative justice school projects are Title I schools, and one is designated as a TAS or targeted assistance school. (A TAS designated school uses Title I funds to support programs for eligible children (i.e., children who are failing, or at risk of failing, to meet the state's high academic standards).

Resolve has scaled up school based restorative justice programming to meet demand. *Restorative Justice for Southern Oregon Schools* began with a one school pilot project, then 4 schools, then 8 schools in the third year, and for 2018-2020 there will be 12 to 13 school projects. We see this trend continuing. There is a clear need from our school community for a trauma informed approach to discipline that builds relationship and resiliency and closes the gap of discipline disparity.

In the 2018-19 school year, total populations impacted by restorative justice implementation through these projects will include the families, students, teachers, administrators, and other educators of the following school communities (6,398 students, 558 educators):

Phoenix High School (680 students, 67 teachers/staff)
Talent Middle School (551 students, 49 teachers/staff)
Rogue River Jr/Sr High School (330 students, 38 teachers/staff)
Roosevelt Elementary School (372 students, 42 teachers/staff)
Jefferson Elementary School (492 students, 52 teachers/staff)
The Ruch School (200 students, 18 teachers/staff)
Central Medford High School (216 students, 35 teachers/staff)
North Medford High School (1,593 students, 138 teachers/staff)
Jackson Elementary (427 students, 21 teachers/staff)
Abraham Lincoln Elementary (491 students, 53 teachers/staff)
Howard Elementary (467 students, 20 teachers/staff)
Lone Pine Elementary (579 students, 25 teachers/staff)

Training in restorative justice for school administrators, teachers, support staff, and district employees is a critical component of school based restorative implementation. In fact, school based restorative justice implementation involves a substantial training effort. Resolve expects to train 700 to 800 educational professionals annually. At a minimum, Resolve will offer a four-day *Restorative Justice Facilitator Training* up to four times per year to meet the needs of school partners and community members.

When a school's culture is already generally relationship oriented, restorative justice implementation can happen more readily. The John Muir School in Ashland Oregon, a small alternative magnet school with active parent and family involvement, is an example where restorative justice is being adopted with relative ease. The degree to which that culture of relationship exists is often a measure of how long it will require for a restorative practices project to take root.

Larger schools, (most middle and high schools) benefit from the support of an on-site specialist to model practices, offer in-the-moment coaching for staff, create continuity and keep momentum throughout the multi-year process. Smaller schools (most elementary schools) are best served through a consultation and training (as opposed to on-site) partnership. This includes restorative justice training for all staff and then intensive training for a school's administrators, student managers and implementation team (usually the principal, student management, and teachers and support staff with interest and commitment).

Evaluation and Impact

Resolve has used a combination of surveys and verbal feedback to evaluate the qualitative impact of our programs and services in the schools. We have also gathered stories and anecdotes from our school based projects, letters of support, and articles. Some of these practices will continue, but we have determined that our formal school-wide climate survey was time and again impractical for reasons including repetitiveness with other surveys schools utilize, logistical challenges and barriers for gathering student responses, and a lack of capacity to ensure the data collected both accurately measures what it intends and that results are analyzed and synthesized in a way that is helpful for all involved.

There is currently no universal school climate survey in Oregon or for the schools across our region. This will probably have to change at the state level and we hope that in that event, Resolve may track and make use of several questions that will help us understand the qualitative impact of restorative justice on school culture and climate including its impact on student and faculty perception of justice, safety, belonging and overall strength of relationships and community. For the time being, anecdotal evidence makes clear that Resolve's work in restorative justice has been profoundly valuable in establish a strong sense of community and connection, and provide much needed tools and processes that allow for all members of the school community to safely process and repair instances of harm and conflict including those that are centered around issues of racism, homophobia and other targeted behaviors.

Sources for school outcomes data include the state published School Report Cards, through Oregon Department of Education (ODE) and customized reports gathered and shared with Resolve by individual schools and district offices. The combined graduation rate for the regional schools in districts that have partnered with Resolve to implement restorative justice (Medford School District, Phoenix/Talent School District, and Rogue River School District) is 75.2%, and chronic absenteeism rate for 9-12 grade averages 26.7% (2015, Statewide Report Cards, ODE).

ODE should be Resolve's source for identifying disparate disciplinary practices and outcomes. However, we find problems with variable and inconsistent data collection from school to school, and reporting from ODE. To understand the impact of systems change, data collection that is consistent in both methodology and reporting, is comparable, and can measure discipline categorically with gender, race, disability and

other targeted identifications, is needed. No comparable data for disparate discipline is available through ODE.

Resolve also collects data directly from each school and from the three school districts in which Resolve currently has on-going restorative justice projects as available. Our access to this data and what schools gather is variable and often inconsistent. When individual schools can provide data it can be valuable for identifying trends and successes with a particular school.

Resolve's longest project is with the Phoenix/Talent School District where Resolve began a restorative justice pilot in the high school. According to former Superintendent Teresa Sayre graduation rates have consistently improved from 67% in 2010 to 84% in 2015, suspensions at the high school have dropped from 58 to 37 (referrals from 609 to 206) and attendance rates have increased by 6% across the district. Other data drawn directly from the district also indicates that restorative justice has helped Phoenix High School close some of the gap in disparate discipline between Hispanic and Caucasian students. This past June Phoenix High School reported that from 2013-14 to 2017-17 there has been an overall decrease of out of school suspensions for students belonging to a racial/ethnic minority of 76%.

Sustainability

Resolve must remain a committed long term partner. Commitment is critical to the success of school based restorative justice implementation since projects involve multiple years. We have learned that this must be considered when entering partnership with a new school or district. Commitment to youth, K through 12 is part of Resolve's mission.

Resolve maintains a reserve to address funding shortfalls and a budget that has diversified revenue sources. Resolve has also established a foundation account through the Oregon Community Foundation. With continued support, from individuals, businesses and community foundations (in reasonable measure) the Board of Resolve is aiming for financial continuity and strength for decades to come.

School funding in Oregon is terribly unpredictable, and so matching dollars may come and go. In addition, our schools are not equitably funded, so some of our projects must be subsidized (by contributed income and granted dollars) more than others. Resolve will always rely on giving to sustain our effort. Even so, the amount that our three project districts have matched indicates a desire for sustained investment in restorative justice implementation.

This school year, 2018-19 for example, the Medford School District will contribute \$77,559, Phoenix/Talent District \$56,199 and the Rogue River District \$26,598. Resolve's current budget hovers just below a half million dollars. Resolve has been receiving approximately \$49,000 per year from the Youth Development Council since 2017-18 through an RFP which may or may not be renewable. We also receive

approximately \$48,000 in biennial general funding as a Center for Dispute Resolution from the state.

Sustainability also requires that Resolve maintain high standards for services and programs. These standards can only be met by hiring and retaining competent, well trained, and caring professionals. Salaries, benefits and positive work environment are critical, and also important is growing in a way that is resource balanced.

Resolve's team of restorative justice practitioners includes three Restorative Justice Specialists, who are on-site (campus). The team also includes the Director of Education and School Services, Raphaelle Miller and the Director of Restorative Justice, Cara Walsh who guide each school project, provide consultation and training for teachers and administrators, and support policy and practice changes.

Raphaelle graduated magna cum laude from Southern Oregon University with a BA in Human Communication, certificates in Conflict Resolution and the Management of Human Resources, and a minor in Business Administration. She received mediation, conflict resolution and restorative justice training from Resolve as well as the International Institute for Restorative Practices (IIRP).

Cara has been working with Resolve's Restorative Justice Programs since 2009. She has served on the planning committee for the Northwest Justice Forum (NWJF), is an active member of the Restorative Justice Coalition for Oregon (RJCO), and is working on a long-term research project in partnership with Southern Oregon University to document the efficacy of restorative justice practices.

Challenges

No human community is free from harm but we can learn to handle conflict and harm in ways that lessen the likelihood of violent escalations. Money and resource should be directed to long term, on-going systems changes as a commitment to making and keeping our schools safer.

Clearly restorative justice implementation in our schools aligns with other school initiatives that support a safer school climate by building relationship and belonging. Exclusionary and punitive discipline reinforces early childhood trauma and can add to the school to prison pipeline, when students are suspended or expelled, and when the root causes of misbehavior go unaddressed and unrecognized. When harm is addressed in a school, with an opportunity for accountability and support, students, teachers and administrators feel safer.

The three greatest challenges to school based restorative justice implementation are uncertain and variable school funding, sustained core funding for providers like Resolve for long-term systems change work, and the absence of an integrated system of training for restorative justice practitioners.

An increase in sustained core funding for providers like Resolve (some, though not all of the 16 Oregon Centers for Dispute Resolution CDRs, provide restorative justice services) could be channeled through the (OOCDR) Oregon Office for Dispute Resolution (housed in the Oregon Law School at the University of Oregon) via an RFP process. This could also serve as incentive for developing new programs in counties and regions where there are no restorative justice resources. (RJCO) The Restorative Justice Coalition of Oregon is the statewide entity that is working collaboratively to provide guidance and direction.

Resolve currently spends considerable time and resource in the preparation of each new incoming restorative justice practitioner. Certificate and preparation programs could be developed at our universities. There are currently two Oregon universities with programming in conflict resolution. Portland State has a program that focuses on public policy and the University of Oregon offers its CRES Conflict Resolution Master's Program to prepare students in the practice of mediation. These are logical vehicles for opening a restorative justice practices pipeline.

Thank you for allowing me to offer this testimony for your consideration and edification. My team and I are available to you for additional information and questions.