

SPECIAL EDUCATION HOTSPOTS

Michigan Association of Administrators of Special Education

February 13, 2018

Vickie L. Coe and Jordan M. Bullinger

CLARK HILL



BEFORE WE GET STARTED – WHO'S IN THE ROOM

- **I am employed by:**
 - A. A Public School District;
 - B. A Public School Academy;
 - C. An Intermediate School District;
 - D. Other
- **I am:**
 - A. An Administrator;
 - B. A Special Education Teacher;
 - C. A Related Service Provider;
 - D. Other
- **Total years in special education?**
 - A. 0-3 years;
 - B. 4-7 years;
 - C. 8-10 years;
 - D. More than 10 years.

SURVEY MONKEY

[HTTPS://WWW.SURVEYMONKEY.COM/R/SQKSGPD](https://www.surveymonkey.com/r/SQKSGPD)

FAPE

CLARK HILL

TEST YOUR KNOWLEDGE

- **What does FAPE stand for?**
- A. Frank and apportioned public education.
 - B. Free and appropriate public elements.
 - C. Free and apportioned public elements.
 - D. Free and appropriate public education.
 - E. None of the above.

TEST YOUR KNOWLEDGE

- **What does it mean when a court establishes precedent?**
- A. It means the school district won the case.
 - B. It means the outcome of the case is meant to serve as an example for similar cases in the future.
 - C. It means that the school district lost the case.
 - D. It means the outcome of the case is not meant to serve as an example for similar cases in the future.
 - E. None of the above.

IDEA'S DEFINITION OF FAPE

➤ **Special education and related services**

- That are provided at public expense, under public supervision and direction, and without charge to the parents
- That meet the standards of the State Education Agency, which would include IDEA and its implementing regulations
- That include an appropriate preschool, elementary school, or secondary school education in the State involved
- That are provided in conformity with an IEP that meets the requirements set forth in IDEA regulations

HOW DO WE KNOW WHEN A CHILD IS RECEIVING A FAPE?

- “The determination of when handicapped children are receiving sufficient educational benefits to satisfy the requirements of the Act presents a more difficult problem.”
- We do not attempt today to establish any one test for determining the adequacy of educational benefits conferred upon all children covered by the Act.”
- “[W]e hold that it satisfies this requirement by providing personalized instruction with sufficient support services to permit the child to benefit educationally from that instruction.”

HOW MUCH PROGRESS = FAPE?

- Rowley standard:
 - **Compliance with procedural safeguards**
 - **Reasonably calculated to deliver educational benefits to the student.**

REVISITING ROWLEY

- What does it mean to “benefit educationally?”
- Not surprisingly, states – and courts- varied in their interpretation of the Rowley standard.
- 6th Circuit has interpreted to mean an education that is designed to maximize potential of the student.
- In Renner and Soraruf, the 6th Circuit says:
 - More predatory than mandatory;
 - Not best education possible;
 - Really Rowley standard.
- Gap between potential and performance not conclusive proof of deficient services. Troy v Boutsikaris (ED MI 2003).
- Some other states – and courts – have not interpreted Rowley standard to hold such a high bar.
- Along comes, Andrew F. v Douglas County School District RE-1 (Supreme Court 2017).

ANDREW F. – THE DECISION

- To meet substantive obligations, must offer an IEP “reasonably calculated to enable a child to make progress appropriate in light of the child’s circumstances.”
- “*Rowley* had no need to provide concrete guidance with respect to a child who is not fully integrated in the regular classroom and not able to achieve on grade level. That case concerned a young girl who was progressing smoothly through the regular curriculum. If that is not a reasonable prospect for a child, his IEP need not aim for grade level advancement. ***But his educational program must be appropriately ambitious in light of his circumstances***, just as advancement from grade to grade is appropriately ambitious for most children in the regular classroom. The goals may differ, but ***every child should have the chance to meet challenging objectives.***”

WHAT DO YOU THINK?

- Did Andrew F. fundamentally change Rowley?
 - A. Yes. Because the standard of FAPE is different after Andrew F., the Court overruled Rowley and thus fundamentally changed the standard.
 - B. No. Although the standard for determining FAPE is higher after Andrew F., the Court did not overrule the Rowley standard.
 - C. No. The standard for determining FAPE is not higher after Andrew F., the Court merely clarified the Rowley standard.

DOES ENDREW F. FUNDAMENTALLY CHANGE ROWLEY?

- “[T]he question is whether Amy [Rowley]’s program . . . offered her an opportunity to understand and participate in the classroom that was substantially equal to that given her non-handicapped classmates”). But the majority rejected any such standard in clear terms. Mindful that Congress (despite several intervening amendments to the IDEA) has not materially changed the statutory definition of a FAPE since Rowley was decided, we decline to interpret the FAPE provision in a manner so plaining at odds with the Court’s analysis in that case.”

DOES ENDREW F. FUNDAMENTALLY CHANGE ROWLEY?

- Both Rowley and Endrew F. highlight academic progress as an important factor at which an IEP Team must aim.
- However, both decisions also use moderating terms such as “reasonable,” and “appropriate” which clearly signal that the target at which the IEP is to aim is one that is reasonable, as opposed to ideal.
- As is artfully articulated by the Court in Rowley, to require a school district to furnish “every special service necessary to maximize each handicapped child’s potential is, we think further than Congress intended to go.”
- The Endrew F. Court rejected a FAPE standard that requires schools to provide students with disabilities opportunities to achieve academic success, attain self-sufficiency and contribute to a society that are substantially equal to the opportunities afforded children without disabilities.
- There continues to be no bright line rule for determining appropriate progress.
- When a dispute arises a Court may fairly expect that school districts will be able to offer a “cogent and responsive” explanation for their decisions to be able to show that the IEP offered provides a FAPE to the student.

DOES ENDREW F. FUNDAMENTALLY CHANGE ROWLEY?

- “Adequacy of a given IEP turns on the unique circumstances of the child for who it was created.”
- School districts will be afforded great deference.
- However, both Rowley and Endrew F. highlight academic progress as an important factor at which an IEP Team must aim.
- However, when a dispute arises a Court may fairly expect that school districts will be able to offer a “cogent and responsive” explanation for their decisions to be able to show that the IEP offered provides a FAPE to the student.

WHAT DOES ENDREW F. MEAN FOR MICHIGAN?

- The 6th Circuit and Michigan Courts' interpretation of Rowley standard has required school districts to develop programming and provider services that are appropriate to meet the unique needs of students with disabilities and do not use the “merely more than de minimis progress” standard.
- Although Endrew F. is an important case with which school district administrators and staff should become familiar, at least as far as Michigan is concerned, the decision should not cause significant changes in the practical, day-to-day development and implementation of IEPs.

CONSIDERING “UNIQUE CIRCUMSTANCES”

- While Endrew F. does not change the standard in Michigan, it does change how we need to look at and show progress.
- New focus on determining the student’s “unique circumstances” so that can determine what’s an ambitious program for the student to make an appropriate amount of progress.
- Possible considerations:
 - Consider the student’s age;
 - Look at the student’s behavior;
 - Note other learning difficulties;
 - Go beyond traditional record reviews when considering student’s history.
- Review how to show sufficient progress:
 - Plan to consistently collect and discuss data;
 - Remember and remind that there is a difference between progress on standardized tests and progress on IEP goals;
 - Don’t write overly ambitious goals.

USDOE ENDREW F. FAQ

- Issued on December 7, 2017;
- Provides guidance on the issues addressed in Andrew F. and the impact of the Court's decision;
- Reiterates Andrew F.'s clarification of the IDEA's FAPE requirement;
 - IEP must be reasonably calculated to enable the child to make progress appropriate in light of the child's circumstances.
- Careful consideration of child's present levels of achievement, disability and potential for growth.
- In determining whether reasonably calculated, the IEP Team should consider:
 - The child's previous rate of academic growth;
 - Whether the child is on track to achieve or exceed grade level proficiency;
 - Whether the child is engaging in behaviors that interfere with the child's progress; and
 - Additional input provided by the child's parents.

RESTRAINT AND SECLUSION

CLARK HILL

RESTRAINT AND SECLUSION BY THE NUMBERS

In 2014, an analysis by ProPublica and NPR of data for the 2011-2012 school year of school discipline practices from the U.S. Department of Education's Civil Rights Data Collection shows:

- Restraint and seclusion were used at least 267,000 times nationwide. That includes 163,000 instances in which students were restrained. Mechanical restraint were used 7,600 of those times.
- Schools reported that they placed children in seclusion rooms about 104,000 times.
- In 75 percent of the cases, it was kids with disabilities who were restrained or secluded.

RESTRAINT AND SECLUSION IN MICHIGAN

In 2009, Michigan Protection & Advocacy Service (“MPAS”) issued a report on the use of restraint and seclusion in Michigan. As part of the report, MPAS conducted a survey of the use of restraint and seclusion by ISDs.

- At the time, only 22 of 57 ISDs collected data on the use of restraint and seclusion.
- The 22 ISDs collecting data reported a total of 3,222 incidents of restraint or seclusion in Michigan 08-09. Six of the 22 ISDs reported no incidents of restraint or seclusion during the year. Some ISDs reported higher numbers than prior years while others reported lower numbers.

PURPOSE OF THE LAW

- **The purpose of the law is to provide a uniform policy regarding the use of seclusion and restraint (S/R) in public schools in order to:**
 - Promote the care, safety, welfare, and security of the school community and the dignity of each student;
 - Encourage the use of proactive, effective, evidence – and research-based strategies and best practices to reduce the occurrence of challenging behaviors, eliminate the use of seclusion and restraint, and increase meaningful instructional time for all students; and
 - Ensure that seclusion and physical restraint are used **only** as a **last resort** in an **emergency** situation and are subject to diligent assessment, monitoring, documentation, and reporting by trained personnel.
- **The law expressly does not limit any right or remedy available to an individual under State or Federal law. (Federal Law: Section 504; Title II of the ADA)**

DETAILS OF THE LAW

- Adds Section 1307 through 1307h to the Revised School Code;
- Statute took effect on March 29, 2017;
- **Applies to all students;**
- Schools required to comply with State Policy by the beginning of 2017-2018 school year;
- **Requires development of policies and procedures by local districts and ISDs;**
- **Requires training of staff and key personnel; &**
- **Requires a system of data collection and reporting to MDE.**

TRAINING IN GENERAL

- State Policy must include training developed or approved by MDE:
 - Public school shall implement a comprehensive training framework that includes
 - **awareness** training of all staff
 - and **comprehensive** training of key personnel;
 - Must identify sufficient key personnel that are generally available in an emergency situation.

AWARENESS TRAINING

➤ **What are the two levels of training?**

- Awareness training and comprehensive training are the two levels of training required.

➤ **Who is required to receive awareness training?**

- All school personnel who have regular contact with pupils are required to receive awareness training. This may include: teachers, paraprofessionals, administrators, support staff, bus drivers, security personnel, cafeteria staff, substitute teachers, public school employees providing services at a non-public school, school volunteers, school board members, coaches, and pre-service and intern teachers.
- Regularly and continuously work under contract is defined in MCL 380.1230 of the Revised School Code as any individual who works at school on more than intermittent or sporadic basis as an owner or employee of an entity that has a contract with a school district, intermediate school district, public school academy, or nonpublic school to provide food, custodial, transportation, counseling, or administrative services, or to provide instructional services to pupils or related and auxiliary services to special education pupils.

KEY PERSONNEL TRAINING

- Key personnel ***shall be trained*** in all of the following:
 - proactive practices to ensure dignity;
 - de-escalation techniques;
 - techniques to identify behaviors that may trigger emergency;
 - safety considerations, including risk of injury to pupil or staff;
 - instruction in the use of emergency restraint and seclusion;
 - identification of environmental factors that may trigger emergencies;
 - the state policy;
 - description and identification of dangerous behaviors;
 - methods to evaluate risk of harm;
 - types of seclusion and restraint;
 - risk of use in context of physical or mental health conditions;
 - effects of seclusion and restraint on all pupils;
 - monitoring for signs of distress in all pupils and pupils with health or physical conditions;
 - obtaining emergency assistance;
 - CPR and first aid.

KEY PERSONNEL TRAINING

- Key personnel ***should*** also be trained in the following:
- Conflict resolution;
 - Mediation;
 - Social skills training;
 - Positive behavior interventions and support strategies.



INVOLVING KEY IDENTIFIED PERSONNEL

- School personnel *shall* call key identified personnel for help from within the school building *either immediately* at the onset of an emergency situation *or*, if it is reasonable under the particular circumstances for school personnel to believe that diverting their attention to calling for help would increase the risk of the safety of the pupil or to the safety of others, *as soon as possible* once the circumstances no longer support a belief.

DOCUMENTATION AND DEBRIEFING

➤ The State Policy must include:

- A requirement that each incident of seclusion or restraint be documented in writing and reported in writing or orally, immediately, to the parent/guardian and school administration;
- Documented in a written report (for each use including multiple uses throughout the day) which must be given to the Parent /guardian the earlier of 1 school day or 7 calendar days;
- Debriefing with the Parent / Guardian and student using MDE guidelines and forms.



INFORMING, DEBRIEFING AND CONSULTING

➤ **What is debriefing and consultation?**

- The purpose of debriefing and consultation is to collaboratively problem solve with pupils, parents, and staff in order to reduce the likelihood of future problem behavior and subsequent use of seclusion and/or restraint. The goal is to support pupil and staff in non-aversive/non-punitive reintroduction to the learning environment.

➤ **When must a debriefing and consultation take place with parent/guardian?**

- After each use of seclusion and/or restraint, school personnel must make reasonable efforts to debrief and consult with the parent or guardian, or with the parent or guardian and the pupil as appropriate, regarding the event, and determination of future actions. Ideally this occurs within one to three school days of the incident.

ALTERNATIVES CONTEMPLATED BY PARENTS' BAR

“Some of the alternatives [to seclusion and restraint] include:

- scheduled movement breaks
- one-on-one time with a trusted adult
- A quiet place, or a sensory room, for de-escalation
- separation of students who have frequent altercations
- engaging in a calming activity, such as listening to music, drawing or writing

A simple accommodation such as changing a student's assigned seat can be very effective. Some students respond very favorably to having a service animal that may provide physical assistance, companionship, comfort and promote the student's self-esteem.”

Athens, Laura (2017, August 26) The New Michigan Emergency Seclusion and Restraint Law and the Role of the Mediator [Blog post]. Retrieved from <https://premiadr.com/new-michigan-emergency-seclusion-restraint-law-role-mediator/>

MICHIGAN FOIA

Throughout the Fall of 2017, schools across Michigan received requests under the Michigan Freedom of Information Act (“FOIA”) for copies of the following documents:

- The school’s policy regarding the use of restraint and seclusion and minutes of the school’s board of education adopting the policy;
- Training materials used by the school to fulfill the training requirements for all school personnel and key staff; and,
- Proof that all school personnel and key staff have been trained.



COMMON EMERGING PITFALLS

- Key Identified Personnel
 - Key identified personnel must complete the comprehensive training in order to qualify as key identified personnel.
 - Key identified personnel must be identified within each building.
 - Key identified personnel must be involved immediately or as soon as possible if seeking their involvement would increase the risk to the student or others.
- Documentation & Reporting
 - Verbally informing the parent following the incident is insufficient. Staff must still provide a written report within the earlier of one school day or seven calendar days.
- Debriefing
 - After providing the written report, staff must make reasonable efforts to meet with the parent to review the incident. This should occur within one to three school days of the incident.

SPECIAL EDUCATION DISCIPLINE

IDEA provides that a school may remove a student to an interim alternative educational setting (“IAES”) for not more than 45 school days without regard to whether the student’s behavior is determined to be a manifestation of the child’s disability if the child:

- Carries a **weapon** to or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of an SEA or an LEA;
- Knowingly possesses or uses illegal **drugs** or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of an SEA or an LEA; or
- Has inflicted **serious bodily injury** upon another person while at school, on school premises, or at a school function under the jurisdiction of an SEA or an LEA.

SERIOUS BODILY INJURY

- IDEA adopts the definition of “serious bodily injury” from the U.S. Criminal Code which defines serious bodily injury as bodily injury which involves substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.
- Most student assaults of another student, teacher or administrator will not meet the definition.

Not SBI

- Broken nose;
- Swollen knee where Principal did not seek medical attention.
- Discomfort, disorientation and pain rated at a 7 out of 10 but returned to work the next day.
- Contusions

SBI

- Severe concussion, which included intense headaches, nausea and missed work;
- Medical treatment where two drugs failed to provide pain relief and characterized as worst in her life

YOU BE THE JUDGE

- Adam evidenced significant deficits in communication, deficits in social reciprocity and evidence of behavioral stereotypes at levels consistent with Autism Spectrum Disorder.
- Adam began to exhibit extreme violent behaviors targeted towards another student, Bill, in the ASD classroom at the start of the 17-18 school year.
- Following a disciplinary removal involving an assault on Bill, Adam was returned to the building.
- Prior to his return, a parapro was assigned to assist with Adam's transition and return to his placement.
- On his arrival, Adam began to shout "its his fault" and punched Bill's locker. Adam was redirected to the library where he continued to escalate. He began to state "Bill should be there and not him" and "it was Bill's fault." Adam began to knock things onto the floor and shout.

YOU BE THE JUDGE

- After approximately an hour of continued aggressive behavior and failed attempts to redirect him, Adam began to hit himself in the head. Adam continued to escalate and began to issue verbal threats such as “I am going to fight you. I will fight you.”
- Adam swung at the parapro with a closed fist. The Student bit her arm. The student was successfully redirected away from the parapro.
- Again, Adam escalated for approximately twenty minutes, the Student attempted to hit the paraprofessional before successfully landing several closed fist punches to her head, kicking her knee sending her to the floor and then kicking her stomach.
- As a result of the injuries suffered, the parapro is required to participate in physical therapy two times a week. She requires the use of a cane and is unable to use stairs affecting her ability to perform household chores. She requires pain medication but has only missed work in order to either visit the doctor or to participate in physical therapy.

YOU BE THE JUDGE

- The District convened an MDR which determined the incident was a manifestation of Adam's disability. The Team proceeded to determine that the conduct resulted in serious bodily injury to the parapro and developed an IAES for the Adam.
- The IAES provides for 2 ½ hours of 1:1 instruction twice a week in addition to delivery of direct SSW, OT and Speech and the same rates provided for under Adam's IEP. Staff work on Adam's goals and objectives and report that he is making progress.
- Parent initiated an expedited due process hearing challenging the MDR and the appropriateness of the services delivered under IAES.

WHAT DO YOU THINK?

- Briefly discuss amongst your table mates the following and then answer the next three questions in survey monkey.
 - Did Adam inflict serious bodily injury on the parapro?
 - Was the IAES appropriate?
 - Where does Adam go after the expiration of the 45-day placement?

WHAT DO YOU THINK?

- Briefly discuss and then answer the next three questions in survey monkey.
 - Did Adam inflict serious bodily injury on the parapro?
 - No. The injury suffered by the parapro does not fit within the narrow definition of serious bodily injury contained within IDEA.
 - Yes. The parapro had to seek medical care, was proscribed pain medication and her mobility has been limited such that she requires physical therapy.
 - Was the IAES appropriate?
 - No. The District must replicate a full school day within the IAES.
 - Yes. Adam is making progress on his goals and objectives and has access to the gen. ed. curriculum.
 - Yes. Adam does not present as a danger to self or others in that setting.
 - Where does Adam go after the expiration of the 45-day placement?
 - Adam remains in the 1:1 setting until he is able to demonstrate that he no longer poses a danger to self or others.
 - Adam returns to the placement provided for in his current IEP.
 - Adam is placed in a more restrictive setting on the continuum.

ZERO TOLERANCE AND RESTORATIVE JUSTICE



CLARK HILL

WHAT DO YOU THINK?

- Briefly discuss amongst your table mates the following and then answer the next 3 questions in survey monkey.
- To what degree have you observed the use of suspensions and expulsions reduce the likelihood of:
 - Future discipline issues?
 - Students dropping out of school?
 - Student interactions with law enforcement?

TRADITIONAL DISCIPLINE BY THE NUMBERS

“The Departments recognize that disparities in student discipline rates in a school or district may be caused by a range of factors. However, research suggests that the substantial racial disparities of the kind reflected in the Civil Rights Data Collection (CRDC) data are not explained by more frequent or more serious misbehavior by students of color . . . and yet:

- African-American students without disabilities are more than three times as likely as their white peers without disabilities to be expelled or suspended.
- Although African-American students represent 15% of the students in the CRDC, they make up 35% of students suspended once, 44% of those suspended more than once, and 36% of students expelled.
- Further, over 50% of students who were involved in school-related arrests or referred to law enforcement are Hispanic or African-American.”

US Dept of Justice Civil Rights Division/US Dept of Education Office for Civil Rights.
Dear Colleague Letter on the Nondiscriminatory Administration of School Discipli

ZERO TOLERANCE AMENDMENTS AND RATIONALE FOR CHANGE

- Reaction to implementation of zero tolerance as written;
- Lack of flexibility and discretion at the Board and Administrative Level;
- Did not take age, developmental disability status or intent into account;
- Caused unintended consequences;
- Substantial increase in suspensions and expulsions.

ZERO TOLERANCE AMENDMENTS

- Effective August 1, 2017;
- Creates a rebuttable presumption that suspensions (more than 10 days)/expulsions are not justified except under defined circumstances;
- Requires schools to consider the use of restorative practices as part of discipline and bullying policies and practices;
- Simplifies the reporting requirements under the statewide school safety information policy.

DEFINITIONS

- Expel – To exclude a pupil from school for disciplinary reasons for a period of 60 or more school days.
- Suspend – To exclude a pupil from school for disciplinary reasons for a period of fewer than 60 school days.
- Firearm - (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm. (defined in Title 18 of the United States Code, 18 USC 921).

PROCEDURAL BENCHMARKS

- **Under the new legislation, before suspending or expelling a student, school *shall* consider:**
 - pupil's age;
 - disciplinary history;
 - whether the pupil had a disability;
 - the seriousness of the violation;
 - whether the violation threatened the safety of any pupil or staff member;
 - whether Restorative Practices will be used to address the violation; and
 - whether a lesser intervention would properly address the behavior.

DOCUMENTATION = CONSIDERATION

- **Assuming that the school has documented consideration of the mitigating factors, it may proceed with the appropriate discipline.**

- **Documenting the mitigating factors should begin with the initial disciplinary referral and carry through to the ultimate outcome.**
 - “The method used for consideration of the factors is at the sole discretion of the Board” – MCL 380.1310d.

- **Failure to document the consideration of the mitigating factors could result in a challenge to the discipline.**

RESTORATIVE PRACTICES

- **The new legislation requires that, prior to imposing a discipline, the school board or administrator charged with the disciplinary process must consider using restorative practices;**
- **The legislation states that resort to restorative practices should be the first consideration for offenses such as interpersonal conflicts, bullying, verbal and physical conflicts, thefts, damages to property, class disruption, harassment, and cyberbullying;**
- **Restorative practices are “practices that emphasize repairing the harm to the victim and the school community caused by a pupil’s misconduct;**
 - Such practices include, but are not limited to, victim-offender conferences that are initiated by the victim (and approved by the victim’s parent or legal guardian), are attended by the victim, a victim advocate, the offender, members of the school community and supporters of the victim and offender. This is the “restorative justice team.”
 - The purpose of the conferences is for the offender to accept responsibility for the harm caused to those affected, and to participate in setting consequences to repair the harm.

PRECONDITIONS FOR RESTORATIVE PRACTICES

You must answer YES to the following questions to successfully use the formal RJ interventions:

- Are at least some of those harmed willing to talk with other affected parties to resolve the issue? (Willing participation is ESSENTIAL!)
- Have any of those who caused the harm taken responsibility for their actions, and are they interested in making things right?
- Is there a benefit to resolving the issues restoratively? Is there value, even if an offending party is not identified or willing to participate?
- Can you keep everyone physically and emotionally safe throughout the process and can you be neutral so you can treat all parties with equal respect?



OUTCOMES FOR RESTORATIVE PRACTICES

➤ Outcomes of restorative practices:

- An opportunity for the offender to accept responsibility for the harm caused to those affected, and to participate in setting consequences to repair the harm, such as any combination of:
 - apologizing;
 - participating in community service,
 - restoring emotional or material losses, or counseling;
 - paying restitution.
- The selected consequences and time limits for their completion will be incorporated into an agreement to be signed by all participants.

RJ IS DIFFERENT

Traditional Discipline Asks:

- What rules have been broken?
- Who did it?
- What do they deserve?

Restorative Justice Asks:

- Who has been hurt?
- What are their needs?
- Who has the responsibility to make things right to restore relationships?

Howard Zehr, Keynote Address to the 12th World Conference of the International Institute for Restorative Practices, October 2009

RJ IS INSIGHTFUL

Unlike traditional discipline where consequences are assigned, RJ engages all affected parties in a facilitated discussion that follows states generally defined by these three questions.

WHAT HAPPENED?	WHO HAS BEEN AFFECTED, AND HOW?	HOW DO WE MAKE THINGS RIGHT?
All participants share their perspective so the group can come to a common understanding.	Each participant identifies who she/he thinks has been affected, including him – or herself, and explains how.	Each participant offers ideas of what should be done to heal the harm or address the issue so all can move forward.

QUESTIONS



COPYRIGHT

- The content of this presentation is copyrighted by Clark Hill PLC.
- As with all legal issues, this presentation provides general principles only, and your attorney should be consulted for specific questions related to any and all principles contained herein.
- School law issues are complex and fact specific; when in doubt, consult with your legal counsel!

THANK YOU!



Vickie L. Coe
vcoe@clarkhill.com
517-318-3013



Jordan M. Bullinger
jbullinger@clarkhill.com
616.608.1146

CLARK HILL