

Restoring School Communities

*Restorative Justice in Schools Program:
Spring 2002 Report Card*



Educating for a Peaceable Future



The mission of the School Mediation Center (SMC), formerly Colorado School Mediation Project, is to create safe, caring and just school communities through conflict resolution. SMC works with schools and community organizations to provide training and programs in conflict resolution, diversity, and social and emotional intelligence. Our goal is to provide youth with life skills that help them be productive, healthy members of a civic, peaceable society. Since SMC was established in 1987 with seed money from Colorado's Juvenile Justice Council, we have trained more than 40,000 teachers, administrators, students and parents in the field of conflict resolution and peer mediation. During 2001-2002, SMC served 4,068 students and 1,281 teachers while working in 32 schools, primarily in the Front Range area of Colorado.

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INTRODUCTION

*Does Restorative Justice work in schools?
Do Community Group Conferences change
behavior and prevent recidivism?*

These are the typical questions asked of Restorative Justice processes, whether applied in criminal justice settings or in schools. Although they are important questions, it is important to add some additional questions to frame the discussion about any disciplinary process:

- Does it resolve issues that underlie misconduct so that long-term prevention is accomplished?
- Does it build community so that student and family attachment to school increases?
- Does it result in a perception of fairness and justice from the viewpoint of all involved parties so that the ripple effect is constructive, not destructive?
- Does the process provide for direct accountability?

It is fair to ask these questions of *all* disciplinary processes, but the discussion is rarely framed this way. Time pressures on schools often yield quickly arbitrated disciplinary outcomes; after all, as one administrator explained to me, “you can suspend 20 kids in one day, if you have to.”

This **Report Card** is a snapshot of the 20 Community Group Conferences in schools during January through June 2002 in which the School Mediation Center was directly involved. We have tracked types of cases, rates of agreement, agreement terms, compliance with agreements, and satisfaction of participants. Anecdotal reports from

involved school administrators indicate that the situations that led to the cases stayed resolved in the weeks and months after the Community Group Conferences. Future **Report Cards** should include more specific outcomes for individual offender recidivism. What we do feel confident in reporting at this time is that we can answer YES to the above questions about resolving underlying issues, building community, being perceived as fair and just, and holding offenders directly accountable.

We offer this **Report Card** for the lessons it can provide to other Restorative Justice practitioners and the school communities involved. We have been grateful for the generous sharing of results by other practitioners, and we are glad to share our outcomes with our fellow pioneers.

A RESTORATIVE JUSTICE CASE

For several years Tom, an eighth grade student, had been developing the habit of taking things that didn't belong to him. First it was a candy bar from the store, then cash from his parents. Now he was sitting in the principal's office at his school being questioned about the theft of a student's purse.

Earlier that week Tom had opened a locker during the last hour of school and found a girl's purse containing some cash, house keys, a pager, a \$300 gift certificate for clothing and several other items. He decided to take the purse onto his bus going home. Tom took the money, the keys and gift certificate, and gave the other items out to students on the bus. Later that day he took the gift certificate to the mall and tried to cash it in. The clerk confiscated the gift certificate telling him it had just been reported stolen.

After interviewing other students who knew Tom, the assistant principal discovered that he had been seen probing in the locker, and handing out items from the purse on the bus. A Restorative Justice conference was then scheduled for Tom and his parents who were divorced, the victim and her mother, several student witnesses, two school administrators, the local school resource officer and the other boy who was accused.

During the two-hour meeting, participants recounted the impact that Tom's actions had on them. The victim explained that the gift certificates were a Christmas gift from her father to purchase school clothes. Her mother was terrified that the keys to their

home had been missing and was worried that someone might try to break into their home.

"I never realized how many people were affected by what I did," Tom said. "I hope all of you can forgive me for this." Everyone in the conference knew Tom's reputation for stealing and told him that his actions would be the final judgment.

Reaching an agreement proved to be difficult. Tom's mother cried openly after realizing that she had been covering for her son's behavior.

"I feel like I have been a terrible parent," she said. "I never held Tom accountable for his actions and tried to deny this was going on. So many people have now been hurt." Tom cried during the conference as the family decided he needed to move back in with his father.

The conference participants agreed to help support the family and monitor Tom's progress during the transition. The facilitators drew up a contract and a pair of volunteers from the community were designated to monitor the agreement. Tom agreed to get a job in order to repay his victims, and he was also required to participate in a theft education class in his community. He eventually completed the agreement and was able to avoid further contact by the police.

EXECUTIVE SUMMARY

This study focuses on a Restorative Justice in Schools Program in Broomfield and Boulder, Colorado, for the spring of 2002. Twenty-two cases were referred to the program, including incidents of harassment, fighting, theft, vandalism, arson, drugs, and truancy. Of the 20 conferences held, 100 percent reached an agreement on how to repair the harm caused by the particular incident.

Agreement terms included, commitment to change behavior (44 percent), apologies (22 percent); restitution/service to victims (12 percent), community service/project (8 percent), pro-social reflection (6 percent) pro-social instruction and time with a mentor (6 percent each). In 95 percent of the cases, the offender completed the terms of the agreement.

Participants were given surveys to gauge participant satisfaction from the perspective of a victim, offender, and affected

community. Of the 72 participants providing feedback about community group conferences, between 91 and 100 percent strongly agreed or agreed that:

- The facilitators were effective and fair in handling their case. (97 percent)
- This process helps to create a safer school environment. (92 percent)
- This process helps to hold offenders accountable. (91 percent)
- They feel satisfied with the outcome of this process. (96 percent)
- They feel the process resulted in a fair and just outcome. (100 percent)

Anecdotal feedback from end-of-the-year administrator interviews indicated that the offending students going through these community group conferences were not re-offending, that relationships were being repaired, and that stronger connections between the participants were occurring across all the roles.

ABOUT THE PROJECT

Funding

The School Mediation Center (formerly Colorado School Mediation Project) received funding from the Office of Juvenile Justice and Delinquency Prevention (OJJDP), Victim Assistance and Law Enforcement, the Boulder County Bar Foundation and the Millennium Trust to develop Restorative Justice (RJ) programs in Boulder. SMC also subcontracted with the Department of Human Services in Broomfield to serve the Broomfield schools through another grant from the OJJDP.

Project Schools

Project schools with cases included in this Report Card are Baseline Middle School and Boulder High School in Boulder, and Broomfield Heights Middle School, Westlake Middle School and Broomfield High School in Broomfield. Several other middle and high schools are planning to use RJ processes in the 2002-2003 school year. In addition, at least one other school in the community, Fairview High School, was operating self sufficiently during the year and results were not included in this report.

Although RJ can be introduced in K-12 schools, middle and high schools generally have more severe discipline issues and occasions to use Community Group Conferences. Two elementary schools, Douglass and Community Montessori in Boulder, are participating in programs focusing on Restorative Discipline, where they receive in-services and on-going support to make classrooms more restorative.

Community Group Conferencing

Community Group Conferencing is being used in many Colorado schools as an alternative to suspension or to supplement traditional discipline practices. In a conference, the offender, victim, parents of offender and victim, and support persons are brought together to discuss the impact of an incident and to make an agreement about how best to repair harm caused by the incident and to prevent its reoccurrence. Depending on the circumstances, administrators, counselors, teachers, other students, law enforcement and other affected community members may also be involved. In this year's project, SMC staff acted as the lead facilitator in all but one case, with community volunteers or school staff serving as co-facilitators.

The RJ programs are designed to build self sufficiency in participating schools so they can eventually use the Community Group Conferencing model without assistance from SMC. This is done through training school staff and community volunteers, helping schools establish referral protocols, meeting with facilitation teams to debrief cases, mentoring facilitators through a co-facilitation model and additional training as needed.

Conferences typically take between an hour and one-and-a-half hours. Pre-conferencing occurs before each conference, during which a facilitator talks individually to each participant to ensure that they understand the process and have time to think about their role.

Screening and Referral

Cases are screened for appropriateness and to ensure that all parties are voluntarily choosing the RJ option. Out of 22 referrals, only twice did a participant decide at pre-conference that he/she did not want to try RJ. Those cases were referred back to administration. In several pre-conferences, the offender barely admitted to responsibility, but the conferences went forward with that threshold of admission.

Participating schools use Community Group Conferences in lieu of suspension, partially in lieu or as a re-entry process after suspension. Some are held in lieu of filing criminal charges. Most of the cases chosen for RJ have involved theft, vandalism, fighting or harassment. In addition, the offender has taken responsibility, and there is an identifiable victim.

The offenders were not chosen necessarily on a "first-time offense" basis or where it was assumed there would be an easy success. In some cases the administration was wary about the offender, a parent, or a victim, but the case was referred because it met the referral protocol.

Long-Term Success

An essential piece of the RJ Program is to plant the seeds for sustainability within each school. Staff, students and community volunteers are trained and mentored in Community Group Conferencing so each school builds competency to handle cases on their own. In the case of the Broomfield schools, Health and Human Services has made a long-term commitment to help the schools be part of the restorative community-wide goals of their new county.

With schools overwhelmed by many demands, long-term success will be enhanced with community support in helping to facilitate cases and helping schools follow through on their RJ "good intentions" when time pressures cause administrators to fall back on swift arbitrated outcomes.

Cases and Agreements

Summary

Of the 20 conferences held, 100 percent reached an agreement on how to repair the harm caused by the particular incident. Cases referred to the program included incidents of harassment, fighting, theft, vandalism, arson, drugs, and truancy.

Agreements usually contained multiple terms, averaging 2.7 items per agreement. Agreement terms included the following: commitment to change behavior (44

percent); apologies (22 percent); restitution/service to victims (12 percent); community service/project (8 percent); pro-social reflection (6 percent); pro-social instruction and time with a mentor (6 percent).

In 95 percent of the cases, the offender completed the terms of the agreement. In one case, the offender failed to complete the agreement.

Frequency and Outcome of Cases

Cases are referred to the Restorative Justice Program by assistant principals, counselors and principals in participating schools. The referring party helps determine the appropriateness for the restorative justice process. Some schools were more consistent than others in referring cases.

The agreement process ensures that the needs of victims are met and that offenders are willing to accept each piece of the agreement. Participants are supported by facilitators to make agreements realistic and clear with their expectations, suit the offense committed and outline timely completion dates. Agreements are drafted and signed by all participants. Compliance with the agreement is closely monitored.

Cases referred to program	22
Cases to result in a conference	20
Agreements reached	100%
Offenders completed terms of the agreement:	95%
Offenders failed to complete terms of the agreement:	5%
Cases to avoid criminal charges	35%
Cases to avoid suspension	70%
Referred cases per school:	
Baseline Middle School	7
Broomfield Heights M.S	6
Westlake M.S.	6
Broomfield High School	2
Boulder High School	1

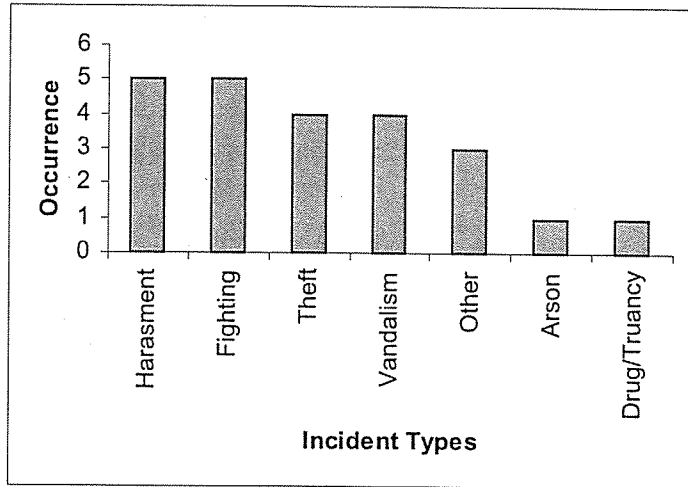
Participant and Facilitator Demographics

It is a priority to balance each case with equal participation from students, parents, and community participants. Co-facilitators are recruited on the basis of mentoring needs, neutrality, availability and providing a balance to the group.

Participants	140	Co-Facilitators	21
Position		Position	
Students	60 (43%)	School Staff	8 (38%)
School Staff	32 (23%)	Community	11 (52%)
Parents	46 (33%)	Students	2 (10%)
Community	2 (1%)		
Gender		Gender	
Male	67 (48%)	Male	3 (14%)
Female	73 (52%)	Female	18 (86%)
Ethnicity			
Anglo	124 (89%)		
Hispanic	12 (9%)		
Black	4 (3%)		

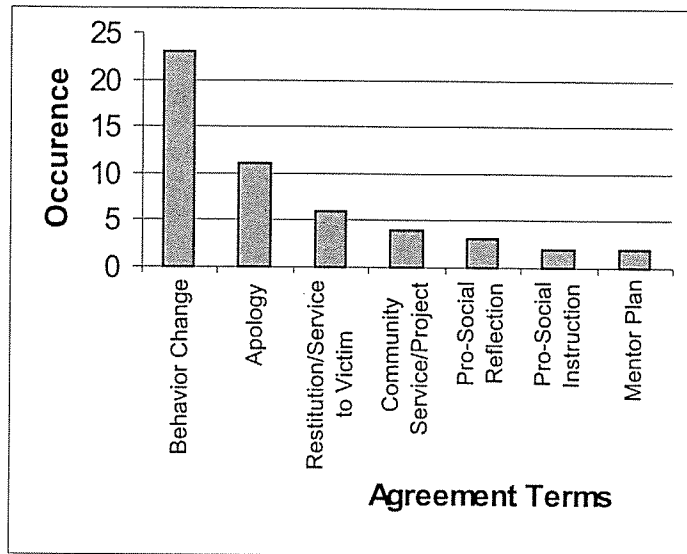
Frequency of Incident Types

Incidents ideally suited for restorative justice have an identifiable victim(s) or affected individuals, are sufficiently serious to warrant a community group conference, and the offender has admitted some level of responsibility. Some cases involve mixed accountability by the parties.



Frequency of Agreement Terms

Agreements contain multiple terms that vary depending on the circumstances of the incident. Agreements often include a commitment to change behavior, increasing positive behavior and reducing negative behavior.



Agreement Terms

Commitment to Behavior Change (23)

- Improve classroom misconduct
- Agree not to throw snowballs on school property
- Improve participation in class
- Check in with teacher weekly about successful instances of thinking before acting
- An attendance agreement was created for the offender along with a plan for remaining in school.
- Stop harassing remarks
- Not talk trash
- Talk to our friends about stopping fights
- Will stop harassment on the bus and stand up for others
- No name-calling
- Work together to be polite
- Will not exchange derogatory remarks
- Walk away when there is a problem
- Will not talk behind each other's back and will stop rumors
- Agreed to stop harassing comments

Apology (11)

- Apologies to victim
- Apologies to staff

Restitution/Service to Victim (6)

- Offender will work 20 hours to repay the losses
- Offender will go with victim to replace her things
- Help custodian two days
- Help custodian sweep one day
- Offender agreed to meet with the teacher (victim) and work in her classroom
- \$5 paid in restitution
- Replacement of video

Community Service/Project (4)

- Raise awareness in the wider school community about vandalism through poster or presentation
- Repaint bathroom wall
- Make anti-vandalism posters
- Four hours community service

Pro-Social Reflection (3)

- Reflection essay
- Make list of what makes me feel like a good person
- Journaling about what's been learned through process

Educational Activity (2)

- Interview college dean about impact of cheating at college level
- Offender agreed to do a defensive driving course

Mentor Hours (2)

- Shadow campus security
- Ride along with police department

Positive Action (2)

- Help teacher with classroom end of year cleaning
- Plan trip with dad
- Do a chore for mom

Discussion

A 100-percent success rate in reaching an agreement can be attributed to thorough pre-conference sessions, where participant concerns or issues that could sabotage the conference were identified and appropriately addressed or the case was referred back to school administration. Out of 22 referrals, in only two cases was it determined after pre-conference that the case was inappropriate to go forward to a conference or a primary party declined to go forward.

Commitment to behavior change was a consistent outcome of most conferences. It was significantly higher in cases of emotional harm (harassment, fighting) where the human relationship is the focus of the conference. It was lower but still present in incidents of theft, graffiti, and physical harm. In all cases, the school community provides a setting for daily contact between students and teachers, and there is often a need to repair trust and work towards a healthy, productive relationship and positive future interaction.

Participant Satisfaction

Summary

Of the 72 participants providing feedback about community group conferences between 91 percent and 100 percent strongly agreed or agreed that:

- The facilitators were effective and fair in handling your case. (97 percent)
- This process helps to create a safer school environment. (92 percent)
- This process helps to hold offenders accountable. (91 percent)
- They feel satisfied with the outcome of this process. (96 percent)
- They feel the process resulted in a fair and just outcome. (100 percent)

The highest praise for the Community Group Conferences was about the effectiveness and fairness of the facilitators, the satisfaction with process outcome, and the fairness and justice of the outcome. The participants providing feedback included victims, offending students, school staff and administrators, parents, and community members.

Process

Participants in conferences were given surveys with a series of questions on them. They also had room to record comments, and all feedback and comments are presented verbatim in the data below. Conference facilitators were inconsistent about distributing surveys immediately after the conference, which resulted in feedback being available on 13 out of a total of 20 cases. All 20 Community Group

Conferences produced agreements, and there was compliance with 19 out of those 20 agreements. There is reason to believe that the satisfaction levels reflected in the other seven cases would have been comparable.

The areas of evaluation where rate of “strongly agree” or “agree” was relatively lower (85 percent) were whether the offender has a greater commitment to school as a result of attending this conference, and whether the process will be more effective than traditional discipline. Because of the process of collecting surveys immediately after the conference, these questions call for some speculation, which may explain the slightly lower endorsement.

Researchers evaluating Community Group Conferences frequently debate the best time to gather feedback. When it is gathered immediately after the conference, the rate of return is higher. When participants can send it in at a later date, the rate of return is considerably lower but there is time to reflect and consider the longer impact of the conference when filling out surveys. We have chosen the immediate feedback in order to improve on our rate of return and will consistently use that mechanism in the future as well.

Statistics on Survey Respondents

Total Conferences	20
Conferences where feedback received	13
Participants total	140
Participants completing feedback	72
Victims	12
Offenders	11
Affected community members	49
Males	31
Females	41
Students	30
Ages of students	
12-15	26
16-18	3
Not specified	1
Non-students	42
Parent/guardian	23
Other Family members	0
School administrators	6
School staff	10
Law enforcement officers	1
Other	2

Participant Feedback

A. Were the facilitators effective and fair in handling your case?

97% strongly agree or agree

Total responses = 71

Strongly agree	70% (50)
Agree	27% (19)
Uncertain	3% (2)
Disagree	0
Strongly disagree	0

- I like the way that they communicated with us and others involved.
- Good job!!
- Nice job of facilitating.

- Communication encouraged among students and all view points shared within group.
- Not sure that this would not have resolved itself over time.
- I believe that in order for this process to work that is the only way (for whatever reason) that the facilitators have to.
- Be sure not to show any bias. Ours were fair and listened.
- I think all involved handled the case very effectively and fairly.
- It went well.
- Always made sure people were comfortable.
- Everyone got to tell their part of the story and everyone got a fair chance to evaluate the contract.
- I think facilitator was very patient with the parents mistakes and agendas. I appreciate very much her work with this.
- Facilitator was very approachable and understanding as well. It makes me feel good to know my children spend their day with people like them.
- I like the whole idea of "restoring" everything and mending what was broken or help people emotional and physical.
- This was a great idea.
- Stayed on task, good guiding.
- Very worthwhile and helpful.
- Worked very well.
- Facilitator did an incredible job.

B. Do you feel this process helps to create a safer school environment?

92% strongly agree or agree

Total responses = 72

Strongly agree	54% (39)
Agree	38% (27)
Uncertain	8% (6)
Disagree	0
Strongly disagree	0

- This was a great idea.
- Helps in resolution - restoring true justice.
- I hope so. Time will tell.
- Addressing issues early, discussing the problem, prevention, etc. Dealing with individual issues and options avail to create a safer environment.
- It just sets the guidelines for safety.

- One exposure does not give me enough information as to how others are affected by this process.
- I don't feel that our schools are as unsafe as many people like to believe. I believe it depends on the situation.
- Yes, by making a person responsible for their actions hopefully they'll think twice about doing something negative again.
- I don't think it will affect safety.
- I have never seen it before.
- Feel better about result than traditional methods.
- Great way to make me feel safe.
- Yes, I will be making sure no thefts are committed, and that will be good.
- Everyone gets to hear sides and understand on another; offender learns something and gets to give back.
- I think its very effective.
- I felt good after the process. It keeps the lines of communication open. I think both students felt better about the situation and the role it played concerning the school.
- I think this really helped people feel closure to the incident.

C. Do you feel that this process helps to hold offenders accountable?

91% strongly agree or agree

Total responses = 72	
Strongly agree	57% (41)
Agree	34% (24)
Uncertain	6% (4)
Disagree	3% (2)
Strongly disagree	0

- This was a great idea.
- I can agree that with our situation the people involved will be held accountable. It may not hold true with others.
- By having them do "community service" they are made to be held accountable for their actions rather than to be suspended and end up just missing school – which no one benefits from.
- As long as the consequences are sufficient to make an impression on the offender.
- Has them make restoration to victim.
- Great idea to convene this way and address

- the issue.
- I truly believe the restorative justice program enables everyone affected to feel that the issue is resolved.
- In this case, possibly.
- Offender gets to give back and to gain what was lost.
- Very much appreciate it. It's a great program.
- Do not feel that Student feels any remorse by the process was good.
- It made the student feel the results of her actions and how it made others feel.

D. Do you feel satisfied with the outcomes of this process?

96% strongly agree or agree

Total responses = 72	
Strongly agree	58% (42)
Agree	38% (27)
Uncertain	4% (3)
Disagree	0
Strongly disagree	0

- Good student input.
- I think this program is a building block of techniques that will help with anger management issues etc.
- So far.
- Very productive!
- I believe all involved were satisfied with the outcome.
- Student has done a great job.
- Only time, behaviors will tell.
- Many ideas suggested.
- We did a good job!
- Student is not seeming to care.

E. Do you feel that this process resulted in a fair and just outcome?

100 % strongly agree or agree

Total responses = 71	
Strongly agree	62% (44)
Agree	38% (27)
Uncertain	0

Disagree 0
 Strongly disagree 0

- It lets everyone tell their side.
- The children did what they would have done over time.
- I think all involved benefited greatly from this. The victims receive restitution and the offenders receive fair and just punishment for their actions.
- Everyone seemed satisfied.
- Yes, everyone had their say.

F. How effective is this process in relation to traditional discipline methods?

85% more effective

Total responses = 68

More effective 85% (58)
 About the same 12% (8)
 Less effective 3% (2)

- Offender gets to give back and to gain what was lost.
- Better learning process for those students involved - not a lot of blame.
- I feel it keeps children from getting time out of school.
- would like to see this process from the beginning. I don't know how effective the process will be. In our situation it was effective. I think those involved learned more from this than traditional punishment.
- Such a good alternative to suspension
- Rather than the traditional suspension in which all that is accomplished is loss of schooling, this makes the offenders take responsibility for their actions and the victims receive compensation for their losses.
- Time will tell.
- We never knew what consequences would have been in the traditional method.
- I'm not sure about this. I think this student understood and would not do it again.
- Deals directly with offense.
- Gives them a chance to verify and correct the bad behavior.
- Much better building of trust.
- All parties involved and affected are heard; I think it is very effective in clearing things up -

answering questions and setting the table for healing and moving on.

- Along with support outside such as counseling.
- I'd rather be talking to people I affect than not be in school.
- It helps to make right a wrong and gives people closure and a chance to repair friendships.
- This gives the offender the chance to see the ramification of his actions and to take responsibility for them.
- It connects action and people's feelings.
- It is difficult to tell at this point but I am hopeful.

G. Do you feel that the offender has a greater commitment to school as a result of attending this conference?

85% strongly agree or agree

Total responses = 70

Strongly agree 43% (30)
 Agree 39% (27)
 Uncertain 17% (12)
 Disagree 1% (1)
 Strongly disagree 0

- It depends on the person.
- I believe both boys involved will stay aware of school policies of bullying.
- I hope by this that the Student learns to respect other people's property and to be more considerate of their feelings.
- Has to "right the wrong" instead of merely accepting traditional consequences.
- As opposed to a "free vacation", offenders are held accountable.
- I'm hoping that greater commitment will result because part of the contract is to be in school and participating.
- Have to attend class and participate.
- It ties her to the school and holds her accountable and she sees the affect on the school community.
- I think so.
- He is more aware of the impact on the entire school community.
- Because the 'school' helped to correct the situation.
- Student did not seem eager at all to really repair harm, but this is still the best thing we could have done.

General comments

- Keep up the good work.
- I thought this is better because I still have a friend.
- think this program is a building block of techniques that will help the student with anger management issues etc.
- I feel it keeps children from getting time out of school.
- We are glad that this process is being used. Deals with situations with a resolution not a result.
- I think those involved learned more from this than traditional punishment.
- Bullies need to be dealt harsh punishment, even shame, in order to feel what they are inflicting on someone else.
- I strongly agree with this process over suspension which digs a deeper hole.
- I feel this is a more effective resolution to the problem than suspension.
- I am strongly in favor of this program. I hope that my son can take something positive away from this negative situation and be able to build and to grow into a responsible adult because of it. I don't believe he would have gotten anything positive out of the traditional suspension punishment.
- I love that community members are involved.
- Thank you for all your time and efforts. Your extra time to help educate children is very much appreciated.
- Parents need to be informed; alternatives need to be clear; personal involvement between parties was good.
- Good process; I like the idea of bringing the responsible person in direct contact with those affected Thanks.
- This is a great program; it gives the offender a chance to right the wrong - give back to the community and move on.
- I think this went very well.
- I felt very positive about the experience.
- I was pleased that the student's parents were friendly and kind and were agreeable to helping the student.
- Correct the wrong that was done.
- This thing is a lot better, solves more of the problem than the suspension thing.
- I hope this makes a difference for the student and helps him to become a positive role her at school and in the community.
- What a great opportunity for both victims and

offenders.

- I was very impressed with the whole restorative justice process.

Discussion

The satisfaction levels of participants with the Community Group Conference process in school is consistently high and appears to be so across roles (parent, administrator, student, victim, offender, affected community, etc.). Subsequent Community Group Conference facilitators will be trained to consistently request surveys be filled out, so that the response rate is higher, given the number of cases. A follow-up survey would be of great use as well, to get feedback on the long term impact for the participants and the school community.

Anecdotal feedback from end-of-the-year administrator interviews indicates that the offending students going through these community group conferences are not re-offending, that relationships are being repaired, and that stronger connections between the participants are occurring across all the roles. We will strive to look for ways to capture that feedback in the future, so that the ripple effect these Community Group Conferences often have can be adequately appreciated.

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Educating for a Peaceable Future

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