No Matter Who Wins, Everyone Loses: Restoring Relationships After Disputes

Diana Cruz, M.S. Ed
Dispute Resolution Training Specialist
ADR Conference
Riverside, CA
March 9, 2018
Objectives

Participants will be able to:

• Understand the importance of home school relationships
• Identify elements of a special education dispute
• Identify practices that can restore relationships after disputes
Agenda

- Welcome
- The importance of home school relationships
- Anatomy of a dispute
- Review of restorative practices in other disciplines
- Application of restorative practices in dispute resolution in special education
- Available resources
The Importance of Relationships

“...parent/family involvement significantly contributes to improved student outcomes” (Carter, 2002, p.1).

“The evidence is consistent, positive and convincing: families have a major influence on their children’s achievement in school and through life” (Henderson and Mapp, 2002, p.7).

“It is simply impossible to have an island of excellence in a sea of community indifference, and when parents become school partners, the results can be consequential and enduring” (Boyer, 1995, p.61).

“At-risk behaviors such as alcohol use, violence and other anti-social behaviors decrease as parent involvement increases” (Thigpen & Freedburg, 2014).
An Ounce of Prevention...

### CADRE Continuum of Dispute Resolution Processes & Practices

<table>
<thead>
<tr>
<th>Stages of Conflict</th>
<th>Stage I</th>
<th>Stage II</th>
<th>Stage III</th>
<th>Stage IV</th>
<th>Stage V</th>
</tr>
</thead>
<tbody>
<tr>
<td>Levels of Intervention</td>
<td>Prevention</td>
<td>Disagreement</td>
<td>Conflict</td>
<td>Procedural Safeguards</td>
<td>Legal Review</td>
</tr>
</tbody>
</table>

#### Assistance/Intervention Options

- Parent Engagement
- Participant & Stakeholder Training
- Stakeholder Council
- Collaborative Rule Making
- Parent to Parent Assistance
- Case Manager
- Telephone Intermediary
- Facilitation
- Mediation Models
- Ombudsperson
- Third-Party Opinion/Consultation
- Resolution Meeting
- Mediation under IDEA
- Written State Complaints
- Due Process Hearing
- Hearing Appeal (Two-Tier Systems)
- Litigation
- Legislation

#### Dimensions that help clarify placement of the options along the Continuum

- Third-Party Assistance
- Decision Making by Parties
- Interest-Based
- Formal & Flexible

- Third-Party Intervention
- Decision Making by Third-Party
- Rights-Based
- Formal & Fixed

Supporting the prevention and resolution of disputes through partnership and collaboration
Reflection Activity

Think about the most challenging case you’ve had in the last 2 years.

• Were the issues settled through formal measures (Mediation, State Complaint, Due Process, Resolution Session)?
• How did the family feel as a result?
• How did the school staff feel?
• Were they able to continue to work well together?
• Was another complaint filed down the line?
The Anatomy of a Special Education Dispute

What is at the center:
- Abilities of the child
- Needs of the child
- Discrepant views of each

(Lake & Billingsley, 2000)
The Anatomy of a Special Education Dispute

Issues are defined as:

- Length of service
- Nature of service
- Program
- Access to non-disabled peers
- Meaningful progress

(Lake & Billingsley, 2000)
The Anatomy of a Special Education Dispute

Issues are magnified by:

- Communication breakdown
  - Less frequent, or constant
  - Guarded
- Feelings of mistrust
- Feelings of disrespect
- Change in relationship

Supporting the prevention and resolution of disputes through partnership and collaboration
The Anatomy of a Special Education Dispute

What gets addressed during formal processes? What remains?
So, What Do We Do?

Is there a Place for Restorative Practices in Resolving Special Education Disputes?
Restorative justice is a process to involve, to the extent possible, those who have a stake in a specific offense and to collectively identify and address harms, needs, and obligations, in order to heal and put things as right as possible.

--Howard Zehr
Three “R”s for Effective Family-School Partnership

Respect

Responsibility

Relationship

## Two Paradigms for Addressing Wrongs

<table>
<thead>
<tr>
<th>Retributive</th>
<th>Restorative</th>
</tr>
</thead>
<tbody>
<tr>
<td>What rule was broken?</td>
<td>Who has been harmed? How were they harmed?</td>
</tr>
<tr>
<td>Who did it?</td>
<td>What are the obligations/needs of those who have been harmed?</td>
</tr>
<tr>
<td>What do they deserve as punishment?</td>
<td>How can the harm be repaired and who is obligated to make the repair?</td>
</tr>
</tbody>
</table>
Guiding Questions

- Who has been hurt?
- What are their needs?
- Whose obligations are these?
- What are the causes?
- Who has a stake in the situation?
- What is the appropriate process to involve stakeholders in an effort to address causes and put things right?

*The Little Book of Restorative Justice, Zehr (2015)*
Conflict Prevention and Intervention

Family Engagement

Restorative Chats/Dialogue

Conference

Supporting the prevention and resolution of disputes through partnership and collaboration
Continuum of Restorative Practices

Source: Costello, Wachtel and Wachtel, 2010
Restorative Questioning to Engage Families

• What do you expect from educators?
• What do you think of the educators?
• What are the barriers to your involvement?
• What do you expect from parents?

Restorative Practices and Special Needs, Burnett & Thorsborne (2015)
Restorative Chats/Questions to Address Parent Concerns:

• Show respect
• Develop empathy and understanding
• Clarify concerns and expectations
• Define responsibility
• Strengthen relationship
• Build trust
• Prevent further conflict
Restorative Conference for Active/Post Dispute Resolution Process

- Address feelings of hurt, betrayal, anger, hostility
- Promote empathy and understanding
- Strengthen relationship
- Rebuild trust
- Promote cooperation
- Find a way forward
- Restore focus on the student
Potential Barriers

• Acknowledging harm/apologizing vs. admitting liability
• Encouraging educators to be vulnerable within professional roles
• Disrespect on either side attacks values and identity - educators are not immune
• Lack of skilled RJ facilitators available
• Buy in – it’s not just for hippies
Discussion

• When do you think a restorative conference might be useful?
• What would you need to participate effectively?
• What additional barriers or difficulties do you see in using this approach?
Restorative Resources

Books:
• The Little Book of Restorative Justice by Howard Zehr
• Teaching Peace: A Restorative Justice Framework for Strengthening Relationships by Beverly B. Title
• Circle in the Square: Building Community and Repairing Harm in School by Nancy Riestenberg
• Restorative Practice and Special Needs: A Practical Guide to Working Restoratively with Young People by Nicholas Burnett and Margaret Thorsborne

Articles:
• An Analysis of Factors That Contribute to Parent-School Conflict in Special Education, Lake & Billingsley (2000)

Websites:
• CADRE: www.cadreworks.org
• Restorative DC: www.schooltalkdc.org/restorative-dc/
• International Institute for Restorative Practices: www.iirp.edu/what-we-do/what-is-restorative-practices
Questions/Comments

Contact:
dcruz@directionservice.org