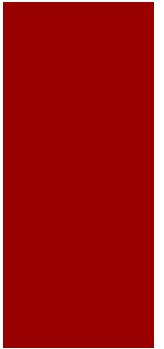
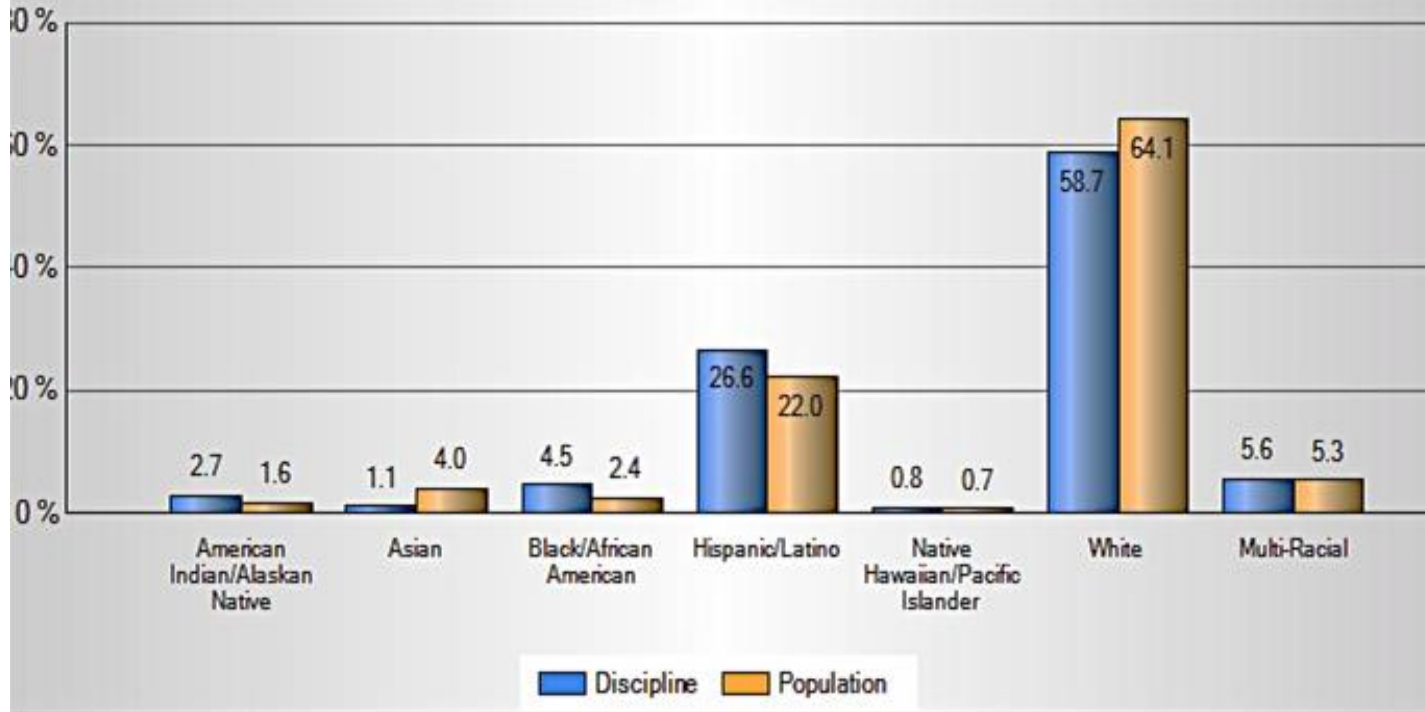


Oregon Commission on Black Affairs (OCBA) / Oregon Advocacy Commission Office (OACO) / Oregon Department of Education (ODE) / Governors Office of Diversity and Inclusion

Addressing the Disproportionate Discipline Problem in Oregon Public Schools using Restorative Justice



Race & Ethnicity Group Comparison



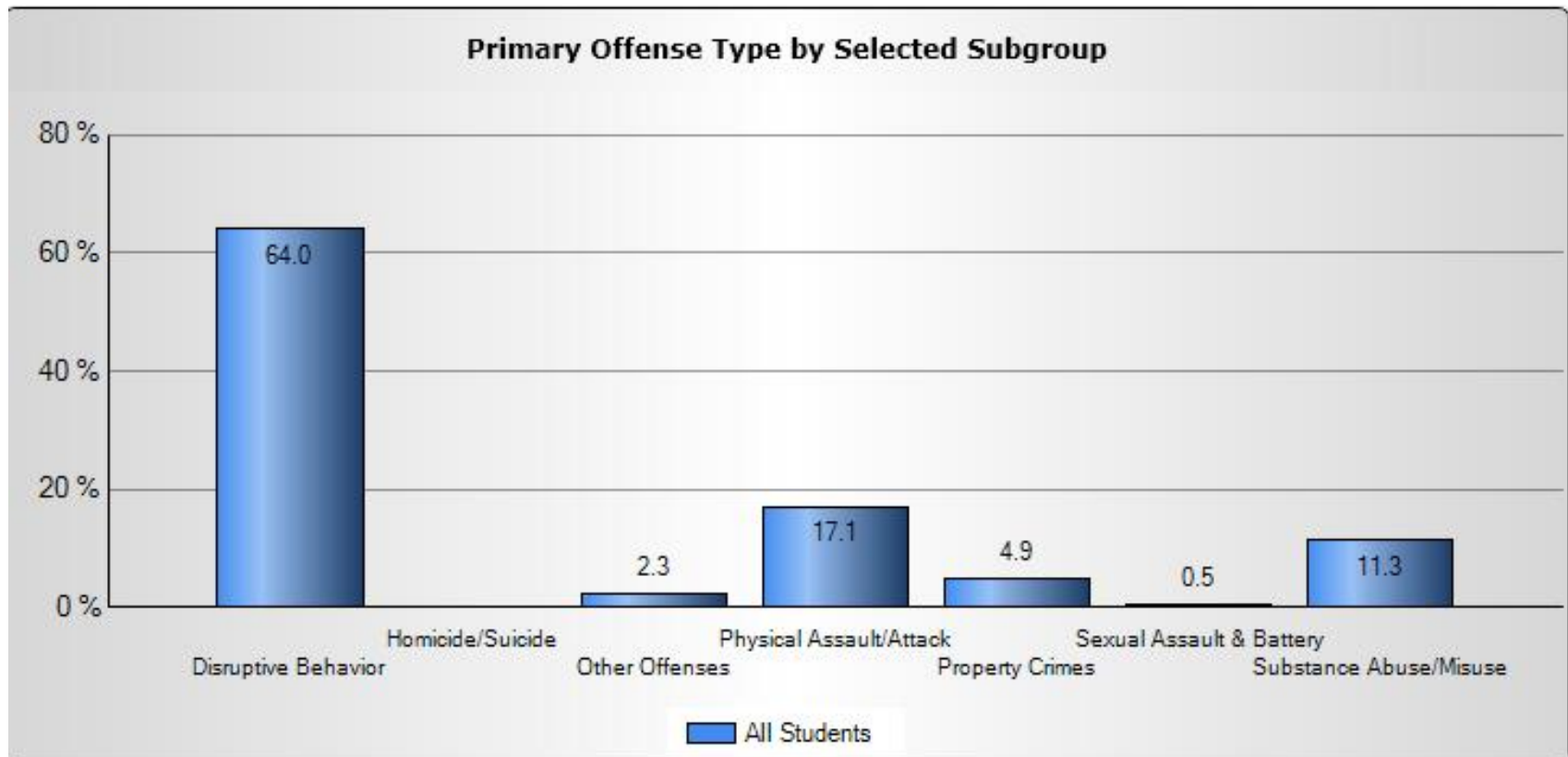
Oregon Data Explorer

Race and Ethnic Group Comparison throughout Oregon

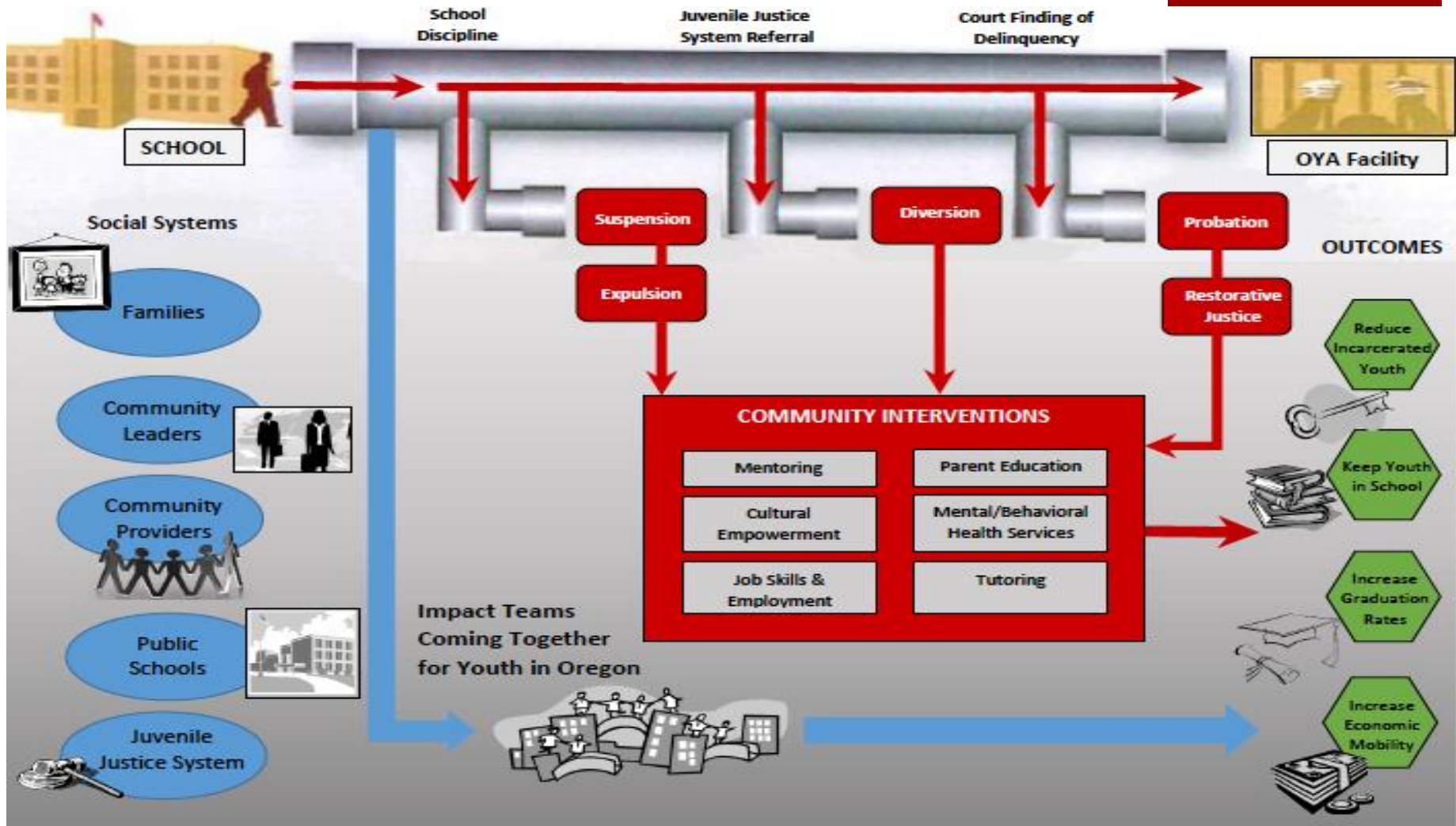
<http://www.ode.state.or.us/apps/Navigation/Navigation.Web/default.aspx#/Discipline>

Types of Discipline

Disruptive behavior – repeated refusal or failure to comply with directions or the instruction of a staff member.



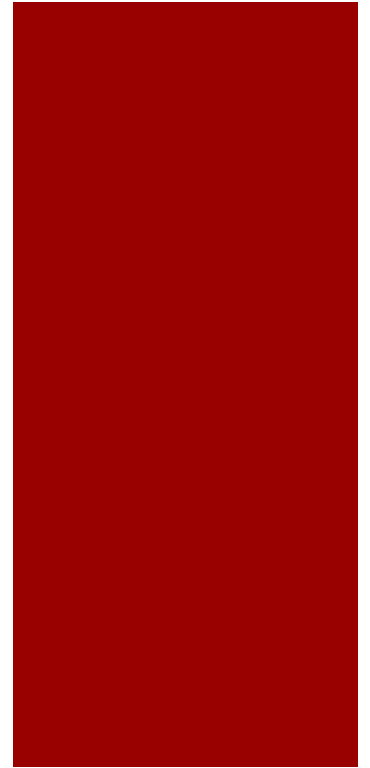
School to Prison Pipeline



Societal Costs



- It costs the state of Oregon \$56.75 per day or \$10,000 a year to keep a student in school; it costs \$84.81 per day to house an adult inmate or \$31,000 a year; and finally it costs the state \$263 per day to keep a child in the juvenile justice system or \$90,000 a year.
- Students that drop out of school, due to repetitive discipline, suspension, and expulsions report worse overall health and rely more heavily on Medicaid assistance, which costs the state \$200 million annually.
- Students that do not graduate high school earn \$260,000 less over a lifetime and contribute \$60,000 less in federal and state income taxes, which amounts \$200 billion in lost federal tax revenues and \$173 million in lost state tax revenue.
- Oregon had the worst 2013 graduation rate in the nation with only 69% of students graduating. African American students drop out rate was 6.01% in the 2013-2014 school year, which is double the rate of their white peers.

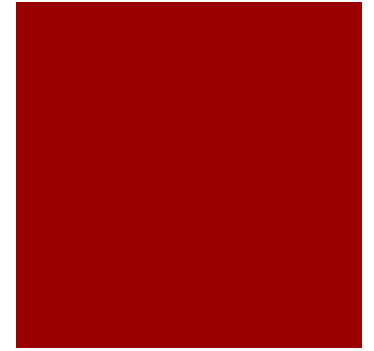


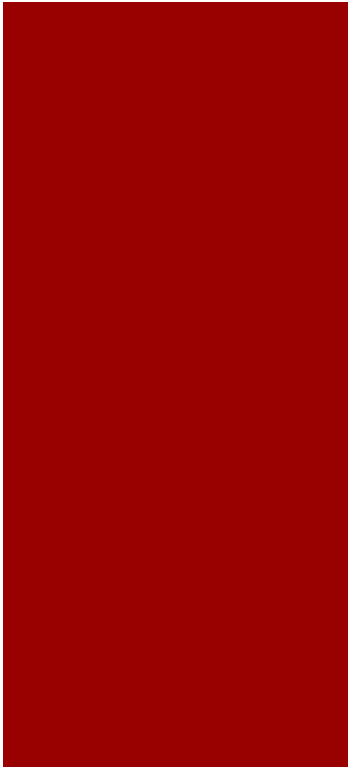
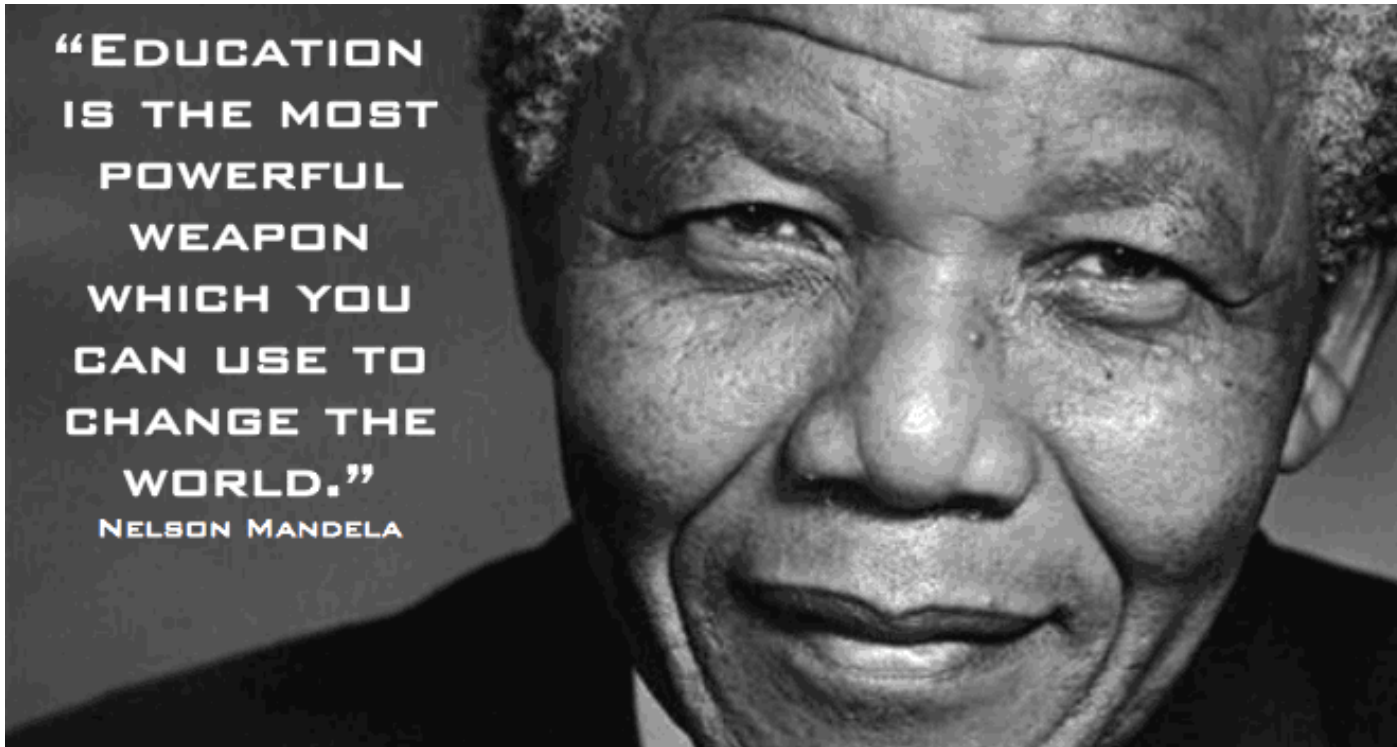
What is Oregon presently doing to address this issue?

O.R.S. 339.250 – weakened zero tolerance laws

Implicit Bias

- Implicit biases are deeply seated attitudes that operate outside conscious awareness – that may even be in direct conflict with a person's stated beliefs and values.
- Implicit biases involve time periods of quick, unconscious, and ambiguous decisions. In the school setting these time periods are called vulnerable decision points.
- Evidence indicates that cultural training does not shift implicit biases.
- Emerging research demonstrates restorative justice may counteract implicit biases because it removes vulnerable decision points from teachers and administrators.



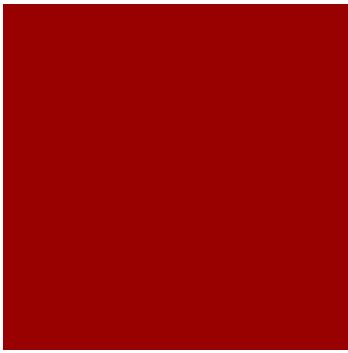


RESTORATIVE JUSTICE

Restorative justice is a dispute resolution technique that is focused on the belief that those affected by a harm can work together to repair it and that this collaboration leads to true accountability.

Why restorative justice should be adopted?

- Schools that have adopted restorative justice have experienced decreases of up to 89% in suspensions, reductions in failing grades, and a decline in law enforcement referrals by up to 70%.
- Restorative justice teaches social emotional intelligence; builds community and relationships, referred to as social capital; and increases the schools community's ability and capacity to communicate and address challenges, referred to as human capital.
- Restorative justice has been widely successful in the juvenile justice system.

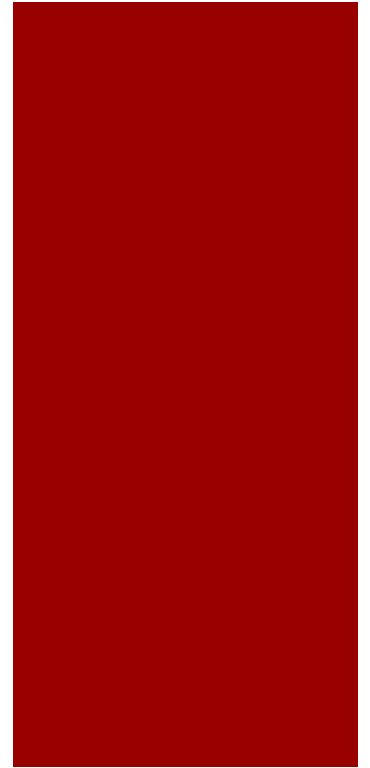


Brown v. Board of Education



- “To separate them from others so similar in age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone.”

– Chief Justice Earl Warren



Brian Allard

ballard@willamette.edu

Willamette University College of Law

J.D. Candidate May 2015

References



- Slide 2
 - *Education Data Explorer*, ODE, <http://www.ode.state.or.us/apps/Navigation/Navigation.Web/default.aspx#/Discipline> (last visited Mar. 2, 2015)

- Slide 3
 - *Education Data Explorer*, ODE, <http://www.ode.state.or.us/apps/Navigation/Navigation.Web/default.aspx#/Discipline> (last visited Mar. 2, 2015)

- Slide 4
 - *Collective Impact Model For Youth in Oregon*, <http://www.oregon.gov/oya/dmcs Summit/2014/materials/CommunitytoPrisonPipeline.pdf> (last visited Mar. 2, 2015)

- Slide 5
 - *Delivering Services to Youth While Managing Costs*, Oregon Youth Authority, http://www.oregon.gov/oya/docs/issue_briefs/IB_managing_costs_2013-15.pdf (last updated March 2014);
 - *Actual Operating vs Capital Expenditures per Student*, Oregon Department of Education, <http://www.ode.state.or.us/sfda/reports/r0051Select2.asp> (last visited Jan. 30, 2015) (calculated using the total expenditure divided by 165 day school year);

References

- Slide 5 (cont.)
 - *Oregon Inmate Cost-Per-Day Fact Sheet*, Partnership for Safety and Justice, <http://www.safetyandjustice.org/files/Oregon%20Inmate%20Cost-Per-Day%20Fact%20Sheet.pdf> (last updated June 2013).
 - Emily House, *Oregon's High School Dropouts: Examining the Economic and Social Costs*, Cascade Policy Institute, <http://files.eric.ed.gov/fulltext/ED509327.pdf> (Last updated Mar. 2010).
 - Cecilia Elena Rouse, *The Labor Market Consequences of an Inadequate Education*, NBER, <http://www.literacycooperative.org/documents/TheLaborMarketConsequencesofanInadequateEd.pdf> 2 (last updated Sept. 2005).
 - Betsy Hammond, *Oregon Posts Nation's Worst Graduation Rate for Class of 2013*, The Oregonian, http://www.oregonlive.com/education/index.ssf/2015/01/oregon_posts_worst_graduation.html (last updated Jan. 27, 2015) (Oregon was placed in 49th spot overall in the nation because Idaho did not report its graduation rate).
 - *Dropout Data 2013-2014*, ODE, <http://www.ode.state.or.us/search/page/?id=1> (last visited Feb. 27, 2015).
- Slide 6
 - § O.R.S. 339.250



References

- Slide 7

- Prudence Carter et. al., *You Can't Fix What you Don't Look At: Acknowledging Race in Addressing Racial Discipline Disparities*, Indiana University, http://www.indiana.edu/~atlantic/wp-content/uploads/2014/12/Acknowledging-Race_121514.pdf 4 (last updated Dec. 2014).
- Kent McIntosh et. al., *Education not Incarceration: A Conceptual Model for Reducing Racial and Ethnic Disproportionality in School Discipline*, *Journal of Applied Research on Children*, <http://digitalcommons.library.tmc.edu/cgi/viewcontent.cgi?article=1215&context=childrenatrisk> (last visited Feb. 13, 2015).
- *Helping Courts Address Implicit Bias: Strategies to Reduce the Influence of Implicit Bias*, NSCS, http://www.ncsc.org/~media/Files/PDF/Topics/Gender%20and%20Racial%20Fairness/IB_Strategies_033012.ashx 1 (last visited Feb. 20, 2015).

References

- Slide 8
 - *Racial Disproportionality in School Discipline: Implicit Bias is Heavily Implicated*, Kirwan Institute, <http://kirwaninstitute.osu.edu/racial-disproportionality-in-school-discipline-implicit-bias-is-heavily-implicated/> (last visited Feb. 24, 2015).
 - *9 Defining Ways Educators Can Tug Education Back in the Right Direction*, The Cool Cat Teacher, <http://www.coolcatteacher.com/6-ways-educators-can-improve-education/> (last visited Mar. 5, 2015).
 - Jon Kidde & Rita Alfred, *Restorative Justice: A Working Guide for Schools*, <http://healthyschoolsandcommunities.org/Docs/Restorative-Justice-Paper.pdf> 5 (last visited Feb. 17, 2015).

- Slide 9
 - Thalia Gonzalez, *Keeping Kids in Schools: Restorative Justice, Punitive Discipline, and the School to Prison Pipeline*, 41 J. L. & Educ. 281, 326, 334 (2012).
 - Jon Kidde & Rita Alfred, *Restorative Justice: A Working Guide for Schools*, <http://healthyschoolsandcommunities.org/Docs/Restorative-Justice-Paper.pdf> 11 (last visited Feb. 17, 2015).



References



- Slide 9 (cont.)
 - *Evaluation of the Restorative Justice Program*, Lane County Department of Youth Services, http://www.lanecounty.org/BCC_info/Meeting_Info/2001/OrderText/2001/7-24/W6a-Restorative.pdf 5 (last visited Feb. 24, 2015).
 - *Stack of Old Books, Dark Background*, http://www.fromoldbooks.org/pictures-of-old-books/pages/img_7378-stack-of-books-dark-background/ (last visited Mar. 10, 2015)

- Slide 10
 - *Brown v. Bd. of Ed. of Topeka, Shawnee Cnty., Kan.*, 347 U.S. 483, 494 (1954) *supplemented sub nom. Brown v. Bd. of Educ. of Topeka, Kan.*, 349 U.S. 294 (1955).