

To: Mary Anne Padien
From: From Northeastern School of Law
Date: September 17, 2009
Re: Proposed additions for S. 68

Dear Mary Anne,

Thank you for working with us to include restorative justice language in Senate bill 68. We support the CHINS reform and would like to help strengthen the bill by adding language throughout the bill and structure for the Department of Education pilot program in section 7. We look forward to your feedback and are willing to adjust our language as you see necessary.

Sincerely,

Susan Maze-Rothstein
Erin Albright
Yana Garcia
James Hodge

Proposed Language:

At the end of Section 3, after line 52 the following definitions should be added:

- ***Victim Offender Mediation*** - a face to face mediated encounter between the responsible party and the impacted party, designed to achieve a resolution where the responsible party repairs harm caused and both parties have an opportunity to better understand each other's situation. In application to youth status offenses that impact other youth, this allows for a process that better meets the needs of the responsible and impacted parties, as well as other stakeholders. This process can also be used for situations where there is not a clear victim or offended party.
- ***Family Group Counseling Sessions*** - Similar to Victim Offender Mediation in that the end result is a resolution that results in the responsible party repairing the harm she has caused, however in Family Group Counseling Sessions the offender's family is involved either as a victim, other stakeholder, or greater support structure.
- ***Healing Circles*** - A community directed method of addressing its safety needs; a healing circle is ideal when a responsible party has inflicted harm upon a person or persons. Healing circles allow for numerous stakeholders to be present in order to shape a resolution process that is framed around a harm caused as the focal point and thus allows for an examination of underlying issues in the community that lead to the offense while at the same time setting up a support structure to address future problems.

Lines 165-170 should read:

Provided that when a school administrator refers a child for habitually truant behavior, it must be shown that the school, child, and family have completed a department of education certified

truancy program that meets the requirements of section 7, if such a program is available at the school.

Lines 192-196 should read:

...which may include but are not limited to: community, medical, mental health and behavioral health services, assistance with obtaining special education evaluation and services and remedial education services, assistance with insurance coverage issues; recreational services; mediation and family group conferencing including those based in restorative justice principles as described in subsection (xiv).

Lines 214-216 should read:

(xiv) Mediation or alternative dispute resolution, including restorative justice based impact sessions such as Victim Offender Mediation, Family Group Counseling and Healing Circles, allowing child, family, community stakeholders and/or school representatives to reach meaningful resolution(s).

Lines 347-351 should read:

Section 1O.

Within three years of the effective date of this act, the department shall, subject to appropriation, establish a discretionary grant program to assist schools in planning and implementing truancy preventions programs which meet the certification requirements established pursuant to section 1P of Chapter 69 and shall use the restorative justice formats in section 7 of Chapter 69 whenever possible.

Lines 354-357 should read:

Section 1P

The Department of Education shall promulgate regulations establishing a truancy prevention program certification process as outlined in section 7. School districts shall establish a truancy prevention program which meets the requirements for certification by the department.

Lines 398-404 should read:

- (i) If the request for assistance states that a child is habitually truant, a statement of the actions taken by the school district to comply with its obligations under its truancy prevention program certified pursuant to chapter 69, section 1O and detailed in section 7 to improve the school attendance of the child. The request for assistance shall also state whether or not the child and his family have participated in the truancy prevention program.; and

SECTION 7 will be replaced with this language starting at line 680:

The department of education shall pilot a truancy prevention program to address the underlying causes and issues of truancy in at least one urban high school in the Commonwealth. This truancy prevention program shall use a restorative justice format including, but not limited to:

- (i) Healing circles, which allow family, community and school stakeholders to be present;
- (ii) A reparative board, comprised mainly of peers and lead by a faculty member or other adult volunteer;
- (iii) Mediation or alternative dispute resolution with the child, family members and school representative present;

Each of these formats shall address the underlying causes and issues in the community that lead to truancy and set up support structures to prevent future problems.

This pilot program will be periodically evaluated by the department of education. The evaluation shall include a way to measure academic performance, such as attendance rates, disciplinary actions and the child's feelings about the success of the program, and report the results of that evaluation to the board of education.