



Advocates for Justice and Education, Inc.

The Parent Training and Information Center for the District of Columbia

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**Children with
Special Needs,
need Parents
with Special
Skills!**

Good afternoon. My name is Nadiya Pope, and I am a staff attorney at Advocates for Justice and Education (AJE). AJE provides free legal representation to families in the District on matters related to special education, school discipline, safety, and other education equity issues. I am grateful for the opportunity to provide testimony today on the important topic of how we can truly center student victims within restorative justice practices, particularly in situations involving bullying and harassment.

As part of AJE's mission, we advocate for equitable access to education and challenge the overuse of exclusionary discipline and other school pushout practices that disproportionately impact vulnerable students. Accordingly, my goal today is to provide some color to this important conversation by highlighting the inequities in current systems while offering practical ways to prioritize both safety and fairness for all students.

When I was invited to this panel, I reviewed the session description, which states:

“Panelists will provide ways schools and local education agencies (LEAs) can meet federal and state requirements, like Manifestation Determination Reviews (MDR), while ensuring burdens, such as transferring to a new school, are not shifted to the recipients of serious incidents of harassment and bullying.”

While well-intended, this framing is concerning as it could be interpreted to imply that legal protections like MDRs are somehow obstacles to victim-centered approaches, which misunderstands the purpose of these safeguards. I want to be clear for the record that MDRs are not meant to excuse harm. Rather, they ensure that students with disabilities are not punished for behaviors caused by their disabilities, especially when schools have failed to provide the supports required by a student's Individualized Education Program (IEP).

MDRs are accountability tools. They prompt schools to ask two key questions:

1. Was the behavior caused by, or did it have a direct and substantial relationship to, the student's disability?
2. Was the conduct a direct result of the school's failure to implement the student's IEP?

If the answer to either is yes, then the student's behavior is considered a manifestation of their disability, and exclusionary discipline that would change their placement cannot

proceed. Instead, the IEP team should review or revise the student's Behavioral Intervention Plan (BIP) or conduct a Functional Behavioral Assessment (FBA) to provide meaningful interventions.

This process ensures that students with disabilities are held accountable in a way that supports their growth, rather than through exclusionary discipline that ignores the root causes of their behavior. Importantly, Manifestation Determination Reviews (MDRs) are not the appropriate setting to address the needs or experiences of the victim. Those important conversations should occur in separate, intentional spaces specifically designed to support the student who was harmed.

That said, MDRs do not have to occur in isolation. Schools can and should hold MDRs alongside restorative or support-focused meetings that center the victim's needs. Coordinating these processes within a close timeframe may actually benefit all parties, especially the student with a disability, by helping them draw a clearer connection between their actions and the impact those actions have on others.

The goal should be to make school environments safer and more supportive for all students, even those who have caused harm. That does not mean a lack of accountability. It means recognizing that exclusionary discipline alone does not solve the problem—it often just moves it elsewhere.

To truly center victims, we need intentional, structured processes that recognize harm and promote healing, without abandoning our legal and moral obligations to students who struggle with behavior. The following are best practices that, if implemented, can help schools support all students involved in incidents of bullying and harassment:

1. **Immediate Intervention and Communication:** Schools must respond promptly to bullying or harassment concerns. Immediate communication with involved families helps ensure that all parties feel heard, informed, and supported from the outset.
2. **Trained, Neutral Facilitators for Restorative Justice Circles:** Restorative justice practices must be led by staff who are trained, neutral, and trusted by both the victim and the student who caused harm. Unfortunately, I have witnessed circles facilitated by school disciplinarians who are not adequately trained in restorative practices. This often creates a hostile or uncomfortable environment for both parties, undermining the purpose of the process. In several cases, schools have convened circles without reviewing the foundational principles of restorative justice, then questioned why students failed to follow those guidelines. Without proper training and preparation, restorative circles will not yield meaningful healing.
3. **Dedicated Time for Victims to Be Heard:** Victims must have the opportunity to share their experiences without interruption, before any resolution is reached. One consistent failure I observe is that students, on both sides of a bullying incident, are not given the

uninterrupted space to speak. In these cases, neither party feels seen or validated, and the core issues remain unaddressed.

4. **Ongoing Check-Ins After Restorative Processes:** Both the victim and the student who caused harm need ongoing support after a restorative circle. These follow-ups are critical to ensuring that agreements are upheld and that both students feel safe and supported. It's also important to remember that, whether labeled as a victim or an offender, students are still children, often carrying trauma and still developing emotional regulation skills. We cannot view this work as simply protecting “good kids” from “bad kids.” That binary fails everyone.
5. **Comprehensive Safety Plans:** When appropriate, schools should develop written safety plans that are collaboratively designed, clearly communicated, and regularly monitored, with input from students and families. These plans must be actionable, enforced, and updated as needed, not just symbolic.
6. **Pattern Tracking and Behavior Analysis (Not Policing):** If a student is involved in multiple incidents of harm, schools must assess for underlying issues, rather than defaulting to repeated exclusionary discipline. Tools like Functional Behavioral Assessments (FBAs) and Behavioral Intervention Plans (BIPs) should be used proactively to understand what is driving the behavior and to implement effective supports. This is not about policing behavior, it's about preventing future harm. By identifying and addressing patterns, schools can interrupt cycles of harm and better protect potential victims moving forward.

When implemented with care and fidelity, these practices help center the needs of victims while still providing developmentally appropriate support and accountability for the students who cause harm. We must move away from punitive-only models and toward systems that support healing, learning, and long-term safety for all students because those are systems that center the victim and their needs.

District policies, such as the Student Fair Access to School Amendment Act of 2018, are designed to reduce school pushout and support more equitable discipline practices that align with this board's interest in providing victim-centered interventions for students. However, this law remains underfunded and inconsistently implemented. Until schools receive the training, resources, and staff needed to implement restorative and trauma-informed practices with fidelity, victim-centered reform will fall short.

In conclusion, to truly center victims, we must: create systems that hear and validate their experiences, build school cultures where harm is addressed through data-driven interventions and not ignored, and offer developmentally appropriate accountability for students who cause harm.

Thank you for your time and for your commitment to making schools safer, more just, and more supportive for all children.



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