**Michigan Restorative Justice Practices in Four High Schools: How Schools Comply with the Law and Determine Its Overall Effectiveness**

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**by**

**Dr. Brett A. Geier, Professor**

**Department of Educational Leadership, Research, and Technology**

**Email:** [**brett.geier@wmich.edu**](mailto:brett.geier@wmich.edu)

**Cell Phone: (269) 350.1844**

**Introduction**

Traditionally, when students violate codes of conduct, they encounter a series of graduated discipline measures depending upon the student’s age, gender, and frequency of the behavior, which range from conversations with school employees about inappropriate behavior to removal from school via out-of-school suspensions or permanent expulsions. A reasonable observer can quickly deduce that if a student chronically violates the student code of conduct, the probability increases for a student to be punished via suspension or expulsion. Student discipline actions that remove students from school, especially for repeat offenders, create gaps in learning, which negatively impact students’ social, emotional, and academic growth.

Educators and politicians in the State of Michigan united in their recognition *circa* 2016 that exclusionary discipline policies in K-12 public schools ran contrary to the previously mentioned attendance premise. The reason for exclusionary practices in Michigan, and across the country, emanated from the rise in drugs and violence in the late 1980s into the 1990s and culminated with an increase in school shootings like Columbine in 1999. School districts, with political support, implemented zero tolerance policies, which were intended to eradicate these issues.

**Zero Tolerance Policies Are Seen as the Solution to Drugs and Violence**

In recent decades, the duty to ensure safe schools by maintaining order and disciplining students when they misbehave has increased in complexity for school officials. Parents consistently place school safety at or near the top of their lists of educational concerns and because of highly publicized incidents, such as school shootings, public pressure increased on schools, including state and federal legislative bodies, to rid the schools of violence, weapons, and drugs (Imber & Van Geel, 2010). Schools clearly have a substantial or compelling interest in safety. Researchers have concluded that schools that are disruptive and dangerous enhance a negative atmosphere, which leads students to feel unsafe, thereby decreasing learning opportunities (*King v. ex. rel. Harvey-Barrow v. Beaufort Cnty. Bd. of Educ.*, 2009). Zero-tolerance policies empowered school officials to remove students who were violent, brought weapons to school, assaulted students or staff, and engaged in drug related activity. Long-terms suspensions and expulsions have not been reserved solely for zero-tolerance policy violations, but for more occasional student outbursts or disruptions, which are expected from time to time. Social science indicates that using suspensions and expulsions as a primary means of dealing with minor student behavior does not work (Lee & Brik, 1989).

Since the implementation of zero-tolerance policies, the scope of student behavior for which school exclusion has been applied has extended far beyond the original focus of the legislation (violence and drugs) (Lindenberger, 2013). Most suspensions and expulsions are for relatively minor misbehaviors, including violations such as truancy, disruptive behavior, insubordination, and school fights (Dignity in Schools, 2013). Contrary to decades of research and evidence that school exclusion is not only ineffective as a method to increase school safety it also promotes additional negative outcomes for students who are suspended, the student body, and the school (Lindenberger, 2013; Sparks, 2023). High rates of school exclusion promote the perception of a school climate that is harsh, punitive, and rejective, which results in increased feelings of student alienation and disengagement from school (Lee et al., 2011). In many cases, zero tolerance policies have encroached too far, and mandate exclusionary discipline where it is not necessary and is detrimental to student learning. A prime example of the overextension of zero tolerance practices was identified by Jennifer Chambers (2021) in *The Detroit News.* An 11-year-old fifth grade boy was set to return to school after being expelled for 180 school days. On his first day back, school officials found a toy gun in his backpack and suspended him for another three months. Due to the number of students being excluded from schools for disciplinary reasons and combined with the negative effects on students and schools, 27 states have revised their laws to reduce the use of exclusionary discipline, and more than 50 of America’s largest school districts serving more than 6.35 million students have implemented discipline reforms (Eden, 2017). In addition, some students are disproportionately more likely to be removed from school such as students of color, low-income students, and those with disabilities (Sparks, 2023).

**Restorative Justice Practices to Keep Students in School**

Michigan is no exception. This type of scenario, combined with rising discipline rates in Michigan, caused legislators to enact Public Act 451 of 2016. Public Act 451 strongly encourages public schools to use restorative justice in lieu of suspension or expulsion. The precise language of the statute is “A school board or its designee *shall* *consider* using restorative justice as an alternative or in addition to suspension or expulsion under this act.” (Public Act 451 of 1976, emphasis added). The italicized terms fall short of mandating restorative justice, and it may be argued that the law is simply ineffective. Thus, Michigan school districts can avoid implementation by claiming that they considered restorative practices and elected against it or chose some version of restorative justice between the two extremes. Despite state policy changes, researchers contend that a reduction in exclusionary discipline is more related to how much support teachers have for using alternative discipline approaches, such as restorative justice (Sharp, 2023).

Restorative justice addresses conflict and misconduct that focus on healing rather than punishment. Restorative justice assumes that misconduct and conflict injure those directly involved (victims and offender) as well as the broader community to which they belong. Rather than relying on punishment, restorative justice expects those who cause injuries to make things right with those they have harmed within their community (Zehr, 2002). Its foundational principles of respect, accountability, healing, and empathy correlate to fundamental human values and ethics (Prans, 2015). Restorative justice empowers students to take responsibility for their actions. The student who has misbehaved is encouraged to reflect on his or her actions, to take responsibility for them, and to resolve to be better in the future (Eden, 2017). Instead of being excluded from school for a small to moderate infraction, the student must restore and repair their community by making amends for their misconduct. Restorative justice provides the type of social learning unavailable in many traditional academic settings: how to cooperate, address interpersonal issues, and handle negative emotions (Eden, 2017). The chart below amplifies some of the more prominent contrasts between traditional discipline and restorative justice:

|  |  |
| --- | --- |
| **Traditional Discipline Asks:** | **Restorative Practices Ask:** |
| What rules have been broken? | Who has been hurt? |
| Who did it? | What are their needs? |
| What do they deserve? | Who has the responsibility to make things right to restore the relationships? |

Implementing restorative justice philosophy into practical application should include the following factors to consider when disciplining students:

1. The extent to which reinstatement of the individual would create a risk of harm to pupils or school personnel.
2. The extent of which reinstatement of the individual would create a risk of school district liability or individual liability for the school board or school district personnel.
3. The age and maturity of the individual.
4. The individual’s school record before the incident that caused the suspension or expulsion.
5. The individual’s attitude concerning the incident that caused expulsion.
6. The individual’s behavior since the expulsion and the prospects for remediation of the individual.
7. The degree of cooperation and support that has been provided by the parent or legal guardian and that can be expected if the individual is reinstated, including the receptiveness toward possible conditions place on the reinstatement. (Mich Comp. Laws § 380.1311(6)(e)(i-vii), 2017).

**Restorative Justice May Not Be a Panacea**

There are some who contend that restorative justice may succeed in reducing the suspension gap but at the cost of readmitting highly disruptive students who have statistically negative effects on academic achievement for other students. The presence of disruptive students increases the probability that his or her classmates will commit a disciplinary infraction, with the largest behavioral effect observed in boys from low-income families. Student discipline reformers are not advocating for suspension reduction in isolation but urge schools to phase in restorative justice procedures. The literature suggests that a deep shift to a restorative justice climate might take up to three to five years, assuming that it is implemented faithfully and sustained financially, otherwise the school experience of most sufferers at the expense of a few chronic students. While many research studies have been conducted on restorative justice, there are some that find restorative justice less of a solution and more harmful toward the overall student climate (ex. Sartain, 2015). Saratain’s study concluded that restorative justice implemented in Chicago Public Schools had little positive effect on student achievement. Many schools morphed into *de facto* “no student removal” schools that are every bit as flawed as the inflexible zero-tolerance policies they were designed to replace.

**Conceptual Framework**

**Zero Tolerance Policies**

**Reaction to drugs and violence in 80s and 90s**

**Exclusionary discipline increases**

**disproportionate discipline**

**Restorative justice team may require:**

1. **Apologies;**
2. **Participate in community service, restoration, or counseling;**
3. **Pay restitution.**

**The selected consequences shall be incorporated into an agreement that sets time limits for completion of the consequences and is signed by all participants. Restorative justice should be the first consideration remediate offenses such as interpersonal conflicts, bullying, verbal and physical conflicts, theft, damage to property, class disruption, and harassment and cyberbullying.**

**Michigan Restorative Justice Law Passed (2017) 380.1310(c)**

**The district shall *consider* using Restorative Justice**

**High School Building Management and Discipline**

**Fully implement law and spirit of Restorative Justice law.**

**Implement in part or not in full spirit of Restorative Justice law.**

1. **Comparatively, how does restorative justice impact exclusionary discipline?**
2. **Comparatively, how does high school building culture change as a result of implementing or not implementing Restorative Justice practices?**

**Method**

*Research Questions*

R1: Why do two high schools in Michigan choose to implement restorative practices that comply with MCL 380.1311 in contrast to two other high schools that do not comply to varying degrees?

R2: How do two Michigan high schools that self-identify as being in compliance with MCL 380.1311 do so?

R3: For schools that self-identify as not fully complying with MCL 380.1311, what are the reasons and/or obstacles for lack of compliance?

R4: How do school community sub-groups describe and understand the implementation of restorative justice practices? Subgroups are defined as superintendent, principal, assistant principal/disciplinarian, teachers, students, parents.

1. How do school personnel’s cultural understandings of their student affect school-wide discipline, school culture and climate?
2. How do school personnel create a school culture and climate that supports implementation of the school’s Restorative Justice practices?
3. How do school personnel sustain Restorative Justice practices and structures that impact the school’s culture and climate?
4. What are the professional development opportunities associated with the school’s Restorative Justice practices?

This research will utilize an exploratory, multiple-case design with embedded multiple units of analysis (defined as school community sub-groups).

*Sites*: Four high schools in the State of Michigan will be selected based upon purposive sampling that identifies the school as complying or not complying with the Michigan law and an analysis of expulsion data reported to the state, which could be an indication of the school’s fidelity with the spirit of the law to reduce exclusionary discipline techniques. Two schools that comply and two schools that do not comply with the law will be selected, essentially developing an extreme case selection.

*The Actors:* Embedded multiple units of analysis (sub-groups) will include the superintendent (n=1), principal (n=1), assistant principal/disciplinarian (n=1), teachers (n=3-5), students (n=7-10), and parents (n=3-5).

*Data-collection*: Semi-structured interviews on site will occur with the superintendent and principals, while semi-structured focus groups will be employed with teachers, students, and parents. The interview protocol will institute the sample established by Creswell (2018): Basic Information, Introduction, Opening Questions, Content Questions, Probing Questions, and Closing Instructions.

*Use of Results*: a.) Assess the effectiveness of MCL 380.1311 for state policy recommendations, b.) Assess the effectiveness of Restorative Justice Practices, c.) Seek larger grants to provide a more robust analysis of issues identified in this research, d.) Publish and present results in appropriate journals and conference presentations.

**Analyzing Case Study Evidence**

A case study methodology was selected, in part, because case study research will “free [me] from being constrained by overly restrictive rules” (Yin, 2018, p. 164). The following plan will outline my procedures for analyzing the case study data.

1. Use computer-assisted tools to help code and categorize the data.
2. I will begin to analyze the data using one or more of the following strategies:
   1. Put information into different arrays, reflecting different themes and subthemes.
   2. Make a matrix of contrasting categories and placing the evidence within such a matrix.
   3. Create visual displays as needed for examining the data.
3. I will employ at least one, two, or three of the strategies to guide the analysis: rely on theoretical propositions, work the data from the “ground up,” develop a case description, and examine plausible rival explanations.
4. Lastly, I will use the following techniques to analyze the data: pattern matching, explanation building, logic models, and cross-case synthesis.

**Opportunity for Further Study and Funding**

Because this research analyzes an education policy that has become prominent and strongly supported by many education experts, the results will be noteworthy to education and policy experts in Michigan and the United States. As with any legislation enacted, policymakers want to ascertain whether the spirit of the legislation is being adhered to and need to analyze the cost benefit of the program. I contend that results from this project will pique the interest of policymakers and educators alike to financially support more robust studies with larger populations to conclude whether restorative justice programs are having the intended impact for the associated costs. I will seek funding sources through national sources along with state departments of education.

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