

THE IMPORTANCE OF LEGISLATIVE MANDATES IN THE IMPLEMENTATION
OF RESTORATIVE PRACTICES

by

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Por el amor de mi vida, Juan Pablo. Nunca podria cumplir ese trabajo sin tu apoyo.

Tu constancia en nuestra familia no tiene medida. Te amo muchisimo.

*To my children, Paris Trinidad, Mariana Ruth, and Samuel. Thank you for your
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ABSTRACT

THE IMPORTANCE OF LEGISLATIVE MANDATES IN THE IMPLEMENTATION OF RESTORATIVE PRACTICES

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This dissertation research answered the following question:

Is there a significant correlation between legal mandates to implement restorative practices and a reduction in suspensions in states with legal mandates compared to states without legal mandates?

To answer this question, I used data available from the Civil Right Data Collection and The School Survey on Crime and Safety. A quantitative approach was taken to evaluate data using a repeated measures model in the CDC data and a crosstabulation for the SSOCS data.

The findings indicate that states with mandated restorative practices have a higher reported use of restorative practices than states without a mandate. Additionally, the findings show that in states with a restorative practices mandate, suspensions decreased at a greater rate than in states without the mandate. Finally, the research showed that states with restorative practices mandates had higher rates of suspensions before the legal mandates were adopted than states that do not have a restorative practices mandate.

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CHAPTER ONE

INTRODUCTION

Statement of the Problem

Though the primary objective of schools is to teach children and provide career preparation, part of the role of schools is to maintain order among students. A quick search of “role of schools” returns results ranging from the role of schools in obesity prevention, to mental health support, to disaster response, to sustainable development. Over time, schools have taken on more and more responsibilities that students will utilize as they graduate out into the community. Some of these roles and responsibilities revolve around conflict resolution and community building culture as well as maintaining a safe and orderly environment. Schools use a variety of different approaches to create a positive learning culture.

Traditionally, schools have used punishment as a deterrent to undesirable behaviors. Classroom behaviors may be mitigated by smaller punishments handled by the individual teacher. However, when these behaviors rise to the level of disruption that the school administrators become involved, the punishments become more serious and impactful. These punishments can be exclusionary and may include suspension and expulsion from the school. This use of punishment is evidenced by the zero-tolerance laws and regulations from the 1980s and 1990s. Even when these punishments are implemented in a fair way, they can be problematic for students as well as school culture (Black, 2016). However, these punishments and exclusionary practices become even

more problematic when they are unfairly implemented and impact particular demographic groups more than others.

Disproportionate disciplinary practices are a concern in education in the United States particularly regarding increased suspensions and expulsions for Black and Latinx students in comparison to White students (c.f. Anyon et al., 2014; Hashim, Strunk, & Dhaliwal, 2018; Payne & Welch, 2010). School districts have traditionally used exclusionary punitive practices, such as suspensions and expulsions, in response to behavioral infractions (c.f. Barnes & Motz, 2018; González, 2012; Parsons, 2005). Suspension and expulsion have been shown to lead to incarceration in what has become known as the school-to-prison pipeline (Barnes & Motz, 2018; González, 2012; Monahan et al., 2014). There is very little evidence that these punitive measures have any positive impact on student behavior.

Some school districts have explored alternatives to suspensions as a result of the concerns surrounding disproportionate discipline (Anyon et al., 2014; Gregory et al., 2016). The movement toward positive behavior intervention and support (PBIS) has shown that using other approaches, such as PBIS and restorative practices, to promote appropriate school behavior and create positive school culture and climate can be more effective (González, 2012). Some of these alternatives to suspension include positive behavior support and intervention (González, 2012), suspension bans (Hashim et al., 2018), Greet-Stop-Prompt (Cook et al., 2018) and restorative practices (RP). Restorative practices (RP) are one of the most prevalent alternatives to suspension and expulsion (c.f. Gavrielides, 2014; Mansfield et al., 2018; Payne & Welch, 2010). However, despite the existence of alternatives to exclusionary punishments, school districts continue to utilize

suspensions and expulsions with surprising frequency and in unfair and inequitable manners.

Restorative practices (RP) can be traced back in history and attributed to several different cultural groups and they have come into more common usage in schools in recent decades (González, 2012). RP can include a variety of techniques used to create a positive culture including formal and informal approaches. Some of the techniques used in restorative practices include community building in the form of affirmative language, restorative questions, and proactive circles. Another important aspect of restorative practices is its use to resolve disciplinary concerns. Typically, restorative justice practices include conversations, conferences, and circles where those that cause harm and those that have been harmed are able to meet and work through the issue together in order to restore the harm (Evans & Vaandering, 2016).

Due to the thorough investigations that already exist about the harmful impacts of exclusionary discipline practices, and the benefits of restorative practices, it would seem like every school would implement RP immediately. Unfortunately, even though RP is mandated as a consideration in Michigan via MCL 380.1310d (Michigan Revised School Code, 2017), and several other states, many schools are struggling to implement RP with fidelity. In the course of my research, the aim will be to identify the effectiveness of these legal mandates to implement RP and the successful reduction in suspensions and disproportionality in exclusionary discipline practices.

Because of the disproportional impact of punitive disciplinary measures on Black and Latinx students, restorative practices would be particularly useful for schools and districts that would like to work toward a solution to that problem. Restorative practices

have shown to reduce punitive discipline and suspension and finding the situations that lead to successful implementation of these practices in schools could potentially have great impact on students harmed by punitive discipline (Watts & Robertson, 2019).

The current research shows that restorative practices are effective at reducing disproportionate and exclusionary discipline. Researchers have found that smaller class sizes, cultural awareness, and creating a listening culture have a positive impact on the implementation of restorative practices (Payne & Welch, 2018; Ingraham et al., 2016; Brown, 2017) . These factors seem to trend more toward intentional implementation and purposefully creating an environment curated to promote success in using restorative practices. My research would consider the impact of a legislative mandate to consider the use of restorative practices and whether or not schools made any effort to create an environment that would be conducive to the successful implementation of restorative practices.

Definitions

In this overview, I will use several terms frequently. For the purposes of this research, “exclusionary punitive practice” refers to consequences for misbehavior applied by an agent of the school district that removes a student from the learning environment. This might include removal from the classroom, suspension from school, and expulsion. Another term, “disproportionate discipline,” refers to the higher frequency of punishments for Black and Latinx students compared to White and Asian students. Similarly, “suspension gaps” or “discipline gaps” refer to the inequity created by disproportionate discipline. “Restorative Practices” or “RP” are reactions to behavioral concerns in the school that work to repair harm and build community through restoration

and guided questions. They refer to a set of standard procedures and processes that fall under the same umbrella. There are several terms regarding race throughout this review. Some authors used African American, Hispanic, or Latino but in an effort to maintain precision I will utilize the terms White, Asian, Black and Latinx throughout the research unless quoting an individual author.

Theoretical Framework

The exploration of theory is an important part of understanding and evaluating a research question. It is also important to explore theories as part of the research method design. Theory helps determine if the research is best suited for a quantitative, qualitative, or mixed methodological approach. There are many theories that influence educational research. It can be difficult to sort through all of the different theories in order to land on the best theory to justify and support the research. For my research, I am exploring change theories and how they can be applied to the implementation of restorative practices to reduce disproportionate discipline in schools.

At the most basic level a theory is a way to explain how and why something happens naturally in the world. Theories explain the connection between the dependent and the independent variables. The theory illustrates “*how* and *why* one would expect the independent variable to explain or predict the dependent variable” (Creswell, 2009, p. 52). A theory arises when researchers test the relationship between variables repeatedly until they are able to identify a pattern. The pattern can demonstrate a negative, positive, or neutral relationship and that relationship can be strong or weak. After being tested many times, the theory may become a standard in a specific field of study (Creswell, 2014).

According to Grant and Osanloo (2014) the theory and theoretical framework essentially provide a “blueprint” for the research. They compare research to the construction of a home. The theory should correspond to all aspects of the inquiry, from the literature review to the method design. Connecting a theory or a theoretical framework to the problem, purpose, and significance of the research is an important part of driving and grounding the research. For example, if a builder sets out to build a home but doesn’t know what style they are going to use, they may end up with a disjointed hodgepodge of incompatible and visually displeasing rooms and design elements. However, if at the onset of the project, the builder decides on a style, such as craftsman or art deco, the elements of that style will be seen throughout the construction and the home will have a unified feel and look. This analogy applies to research where the style and blueprint or design provide a base upon which the rest of the research is built (Grant & Osanloo, 2014).

Organizational Change

There are a variety of views of organizations and how they change. These different perspectives provide insight into change and ways to view and understand organizations as they change. A systems approach is clearer cut and defined and provides simplistic models for understanding where changes are needed or how changes are impacting other parts of the organization (Anderson, 2017; Lewin, 1951; Argyris, 1971). A social constructivist theory acknowledges the complexity of organizations and their members and theories based on social constructivism focus on communication and interaction of members and language used among organizers (Anderson, 2017; Berger & Luckman, 1967). Finally, more recent views of organizations as complex adaptive

systems frame change as complex, unpredictable, and somewhat uncontrollable (Anderson, 2017; Olson & Eoyang, 2001). Behrens and Foster-Fishman (2007) encourage using an eclectic approach to understanding organizational change. Being familiar with a variety of approaches allows researchers of organizational change to understand and acknowledge the complexity of organizations and how to frame change within different models and theories.

Educational Change

Organizational change as it relates to restorative practices and change in an educational setting can be connected to several theories both generically and specifically from the lens of educational change. Schools as organizations are reflections of a variety of power dynamics that all can impact change. There are many members that constitute schools as organizations and influence decisions about change making organizational change within the school environment difficult to predict and control (Saranson, 1996). Michael Fullan defines change as “New materials, new behaviors/practices, new beliefs/understanding” (2008, p. 1). Fullan (2016) described the importance of understanding the “what” and the “how” of changes in schools. He explained that educational organizations that are making an intentional change need to know what they are going to change and how they are going to do it. Outcomes cannot always be predicted but identifying shared values and visions can help formulate what needs to be changed and how to facilitate that change.

Fullan’s Triple I Theory of Educational Change

Michael Fullan has spent his life’s work exploring and researching change in education. He determined that there are three stages of change in educational reform

(1982). Fullan identifies those stages as initiation, implementation, and institutionalization. This theory is known as the Triple I model of change. Fullan's theory is based on a bottom-up approach that includes a humanistic approach. The humanistic approach is attributable to Maslow and the idea that the people involved in the process, the stakeholders, are an integral part of the process. Fullan's model includes the perspectives of those involved in all levels of the change process. Each of the phases of change have distinct characteristics and according to Fullan, they are overlapping over time (Fullan, 2008).

Fullan (1982) identifies initiation as the beginning phase of change. Initiation often gets a lot of focus from change leaders in the form of presentations and launches. Some of the factors that impact initiation are the quality of innovations, access to innovations, central office advocacy, teacher advocacy, and external change agents. The initiation phase of change is when resources and tools are put in place, skills and strategies are developed, and people and staff are onboarded. These factors can facilitate or disrupt a smooth kickoff to a change process.

The implementation phase is where the change actually begins to occur. Fullan (1982) identified three component areas for the implementation phase. The three component areas are the characteristics of change, the local factors, and the external factors. Characteristics of change include the need for change, goals surrounding the change, the complexity of the change, and the quality and practicality of the change program. Local factors may include the school board, district administration, principals, and teachers. External factors may include the government and other agencies (Fullan &

Stiegelbauer, 1991). In the implementation phase there is time for planning and practice as well as constructive feedback and opportunities for revision.

The institutionalization phase of change is identified as when the change becomes systemic. It is broken down by Fullan (1982) into two areas: continuation and outcome. As the change continues, it becomes more interwoven in the organization. As the change becomes routine practice, issues that arose in implementation begin to wane. In this phase, most participants are using at least some aspect of the new routine on a regular basis.

Fullan's Triple I theory has been implemented in many schools and districts throughout the world. This theory is often used to help problem-solve issues that arise in each phase of the Triple I Theory. Fullan (2016) gives specific examples of failures at each phase. For example, he outlines the story of a large district planning to implement a change with 16 goals and 8 action steps for each goal. Fullan identified the issue in the initiation phase that extended into the implementation phase. According to Fullan, "once you realize that plans are for implementers (not for planers) you have shifted the phenomenology of change to participants, which is where success of a plan stands or falls" (2016, p. 86). Fullan's theory allows for examination of change at each phase and identification of concerns throughout the process.

For my topic, I evaluated the influence of a government mandate on creating effective change on disciplinary processes through the use of restorative practices. Fullan dedicated an entire chapter in *The New Meaning of Educational Change* to the role of government policies on change. To begin the chapter, Fullan (2016, p. 209) quotes Micklethwait and Wooldridge (1996), "The state is an incredibly blunt instrument; it gets

hold of one overarching idea and imposes it without any sensitivity to local context. [And there] is the desperate craving of politicians for a magical solution” (p. 294). The adoption of mandates to implement restorative practices could be viewed as a top-down approach to fix concerns within the disciplinary process. However, it could also be seen as governmental support for locally implemented systems that have already encountered success in reducing disproportionate discipline. Fullan identifies the role of government as “wanting quick solutions for urgent problems” (Fullan, 2016, p. 209).

However, Fullan also acknowledges that the support of the government is vital for large-scale institutionalized reform. Fullan outlines governmental ability to provide accountability, incentives, and capacity building. All three of these factors create the possibility for long term, institutional change.

Overall, Fullan’s (2016) Triple I theory provides a framework for understanding different, overlapping phases of change in an educational setting. For my research, the focus was on the governmental influence on implementation. Incorporating theory into the examination of policies that provide support for initiation, implementation, and institutionalization provides a way to evaluate the effectiveness of the policies.

Diffusion of Innovations by Rogers

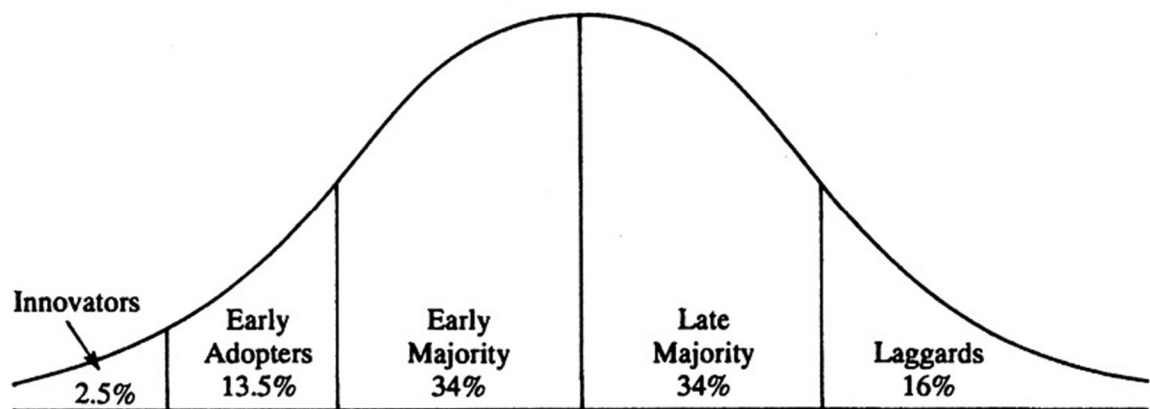
Everette Rogers outlines cultural change and the elements that are observable in cultural change. This theory explains how, why, and at what rate change occurs. Rogers initially observed this change process in the adoption of new technologies in agriculture in 1957. However, he realized that the observed tendencies were transferable to social changes as well. The basic tenet of this theory is how a change spreads, or diffuses, over

time and what factors contribute to that spread. Rogers describes the adoption of change in five phases of diffusion (NSW Agency for Clinical Innovation, n.d.).

In Rogers' theory, he describes five phases of change process. The first phase is knowledge. In this phase the person or organization becomes aware of the innovation, or new idea. In the second phase, persuasion, the person or organization becomes interested in the idea and searches for more information. In the third phase the change adopter makes a decision about whether to adopt or reject the idea. The fourth phase according to Rogers' theory is implementation in which the adopter begins, at a variety of rates, to use the new idea and gather more information about the idea. The fifth, and final, phase is continuation during which the adopter commits to the change and begins using it to its full potential (NSW Agency for Clinical Innovation, n.d.). These five phases are focused on the attitudes and perspectives of the individual or organization involved in the change.

Figure 1

Adopter categorizations on the basis of innovativeness (Rogers, 2003, p. 281).



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Probably the recognizable aspect of Rogers' change theory are the categories of adoption as seen in Figure 1. In this part of the theory Rogers describes adopters by the rate at which they embrace change. He also identifies typical descriptors for the members of each category. Interestingly, the categories form a bell curve based on the percentage of people who fall into each group. Additionally, the categories follow a trend in age and economic status. The first adopters tend to be younger and more financially stable than the later adopters. The first group includes the innovators. These change agents are the first to adopt a new idea. Typically, they are young risk-takers. Only about 2.5% of people fall into this category. The next group Rogers calls the early adopters. This group is slightly larger than the innovators. The early adopters often lead the charge into change for others. Following the early adopters, come the early majority. This group is larger and needs more convincing and access to evidence than the previous two groups. The late majority adopts change slightly after the average person and is skeptical about innovation. Finally, Rogers describes the laggards as the last to adopt a change. This group tends to be very conservative and traditional (AgriFutures Australia, 2016). These categories of change adopters help organize phases of change and identify possible roadblocks for implementing change (NSW Agency for Clinical Innovation, n.d.).

Rogers' theory is used frequently in education to describe teachers, administrators, school districts, and states and their rate of change. These categories of change adopters are particularly interesting in the study of implementation of restorative practices. It seems that all members of the change process from teachers to states adopt restorative practices at a different rate. The government mandate to adopt restorative practices appears to be an effort to encourage more schools to adopt the change to

restorative practices. A government policy could also be seen as the evidence needed to push the early and late majorities into adoption.

Research Questions

The research question I explored is: Is there a significant correlation between legal mandates to implement restorative practices and a reduction in suspensions in states with legal mandates compared to states without legal mandates? The results of this study affirmed change theory. The mandate resulted in a significant reduction in suspensions, further research could allow insight into change phases to determine where schools and communities were in the change process when the mandate was created. If it had been determined that there was not significant change in suspensions due to a legislative mandate, this finding would have affirmed Fullan's theory that governments are looking for a quick fix to a larger problem. Additional research to determine the origin of the mandates and the pre-existing history of the use of restorative practices is still needed.

This main question was developed using several sub-questions. These questions used existing nationwide data sets to explore the use of punitive practices before and after the implementation of a statewide legal mandate to utilize restorative practices.

Additionally, I looked at the use of restorative practices before and after these legal mandates were implemented. These questions compared states with legal mandates to states without. The purpose of this study was to test Fullan's (2016) and Roger's (2003) theories about government involvement in educational change by comparing the use of punitive discipline and restorative practices in states with legal mandates to implement restorative practices to the use of punitive discipline and restorative practices in states without these mandates.

Significance of the Study

Fullan and Rogers both cast doubt on the effectiveness of a governmental mandate to create change in an educational setting. This research is important to educators and legislators alike. Educators are able to learn from the data that following such a mandate does indeed result in more students in schools and allows children to reap the benefits of restorative practices in their community. For legislators, it could direct further legislation and promote other states and localities to adopt legislation requiring restorative practices. If legislative mandates had been found to be ineffective at impacting the implementation of restorative practices, then legislators may have needed to look at alternatives for encouraging schools and localities to adopt restorative practices.

CHAPTER TWO

BACKGROUND

The Prevalence of Disproportionate Discipline in Schools

Historically in the United States, schools were separated by race. In 1954, the monumental ruling of *Brown v. Board of Education* found racial segregation in schools to be unconstitutional (History.com, 2022). However, although schools were forced to integrate, many schools were created by White teachers for White students. Black and Brown students were not welcomed into White schools. There were protests and unrest when schools became integrated. Perhaps it is in relation to these difficult beginnings that schools continue to struggle with distinct treatment and opportunities for Black and Brown students (Carter et. al, 2018). With the advent of the No Child Left Behind legislation, the United States began to realize the depth and breadth of these gaps as demographic testing and discipline data were collected for the first time. These data showed that there were measurable disparities in achievement and disciplinary consequences (Kinsler, 2011).

Several studies explore the prevalence of Black-White school discipline gaps. In these studies, researchers found that Black students are more likely to be considered threatening by their White teachers, more likely to get office referrals, and more likely to receive harsher consequences for smaller infractions (Fronius et al., 2019; Huang & Cornell, 2017; Skiba, 2011; Anyon, 2014; Allard, 2015). Overall, these disproportionalities are visible in nationwide suspension data. As cited by Fronius et al. (2019),

the U.S. Government Accountability Office found that while Black students represent 15.5 percent of all students in the country, they represent 39 percent of students suspended from schools, and that while students with disabilities represent 13.7 percent of all students, they represent 25.9 percent of those suspended (p.14).

The disproportionate suspension rates were attributed to a variety of different factors in the research.

Several studies indicated that the greatest gap in punitive disciplinary practices was apparent at the office referral phase. Skiba et al. (2011) and Anyon et al. (2014) researched the disparity between different racial groups at four different levels of discipline: the office referral, suspension, referral to law enforcement, and expulsion. This study used a multilevel logistic regression model to examine student discipline in Denver Public Schools. The study explored racial disparities at each level of discipline as well as “the protective influence of alternatives to suspension in discipline outcomes” (Anyon et al., 2014, p. 381). The results of this study indicated that Black, Latinx, and Multiracial students experience harsher disciplinary consequences than their White and Asian counterparts. The study showed that there were higher rates of office referrals, suspensions, expulsions, and referrals to law enforcement for Black and Latinx students. These findings persisted controlling for higher rates of misbehavior, poverty, and eligibility for special education services. Though the racial gap in punitive discipline persisted through the four stages, it was most prevalent in the office referral phase which was the first point of contact with the disciplinary consequences. In another study, Bradshaw et al. (2010) found that office referrals were always higher for Black students.

The researchers explored a variety of factors that may influence the number of office referrals such as teacher ethnicity, teacher perception of level of disruption and level of disruptive behavior in a classroom. The researchers used a two-level modeling procedure with the receipt of an office referral as the dichotomous variable. The researchers used a sample of 6,988 children enrolled in 21 elementary schools implementing School Wide Positive Behavior Intervention Support with fidelity. The sample also included 381 teachers. All of the students and teachers were either Black or White to control for the ethnicity of the participants. For most types of office referrals, including a referral for any reason, a minor reason, or for fighting, Black students were significantly more likely than their White peers to be referred to the office. There was no significant difference for major office referrals or defiance which is incongruent with other research conducted by Allard (2015) and Skiba et al. (2002). Bradshaw et al. (2010) found that Black students received more office referrals, overall, than white students. Because the disproportionality of disciplinary consequences for Black and Latinx students began and was greatest at the office referral stage according to Anyon et al. (2014). Controlling for a variety of factors did not decrease the prevalence of office referrals for Black students either (Bradshaw et al., 2010). Increased office referrals for Black students could account for the disproportionate numbers in suspensions and expulsions.

Another finding regarding disproportionate discipline showed that schools in more urban settings with higher populations of Black and Latinx students were more likely to utilize suspensions and other exclusionary punitive discipline practices at a greater rate than schools with smaller populations of Black and Latinx students. In one study, Payne and Welch (2010) used structural equation models to determine if the racial

makeup of the school impacts the disciplinary policies of the school. The study looked at data collected from the National Study of Delinquency Prevention in Schools from 294 public schools to evaluate the impact of racial composition of a school on discipline. The study found that more disadvantaged, urban schools with higher populations of Black and Latinx students were more likely to use punitive discipline practices instead of restorative practices. The study indicated that racial threat, the idea that Black students are perceived as more dangerous and the behaviors of Black students are more likely to be considered a threat by their teachers and school administrators, had an impact on disciplinary decisions. According to this research, “schools with a greater percentage of Black students are more likely to use harsh forms of punishment, such as detentions, automatic suspensions, and criminal justice referrals” (Payne & Welch, 2010, p. 1041). The researchers in this study assessed the percentage of Black students in a school with three different practices they labeled as punitive: extreme punitive responses, zero tolerance policies, and punitive disciplinary responses, and two practices they considered to be restorative including mild disciplinary consequences and restorative disciplinary responses. The results indicated that schools with more Black students were more likely to use the three more punitive practices and less likely to use restorative practices. This disproportionate use of punitive practices results in more Black students being suspended than their White counterparts. The researchers attributed this disparity to racial threat because in schools with more Black students, teachers and administrators tend to perceive students as a threat and respond to that threat with harsher discipline practices (Payne & Welch, 2010).

An additional finding in the research attributed the disproportionate suspension rates to teacher bias and inconsistent implementation of consequences for offenses interpreted as disrespectful resulting in more suspension for Black and Brown students. Huang and Cornell (2017) investigated a possible explanation for the Black-White suspension gap by looking at student attitudes and behaviors. The authors of the study utilized suspension data and self-reported risk behaviors and aggressive attitudes of 38,398 students from 236 high schools in a statewide sample in Virginia. They sought to determine if Black and White students were suspended for different reasons, if there were differences in aggressive attitudes and risk behaviors between the two groups, and whether aggressive attitudes and participation in risky behavior explained racial differences in suspension rates even while controlling for other demographic variables (Huang & Cornell, 2017, p. 300). The researchers found that Black students received out of school suspension at a rate three times greater than White students. Huang and Cornell (2017) found that “for most of the misbehaviors investigated...self-reported differences between Black and White students were neither statistically significant nor practically meaningful and indicated no pattern of differential behavior” (Huang & Cornell, 2017, p. 305). For the few misbehaviors that did indicate a disparity, that difference was significantly smaller than the disparity in suspensions. The researchers found that differences in attitudes and risk-taking behaviors did not amount to the disproportionality of suspensions received by Black and Latinx students as compared with White students. They also conclude that more attention should be given to teacher biases and the use of interventions before a student gets referred to the office.

The issue of teacher bias was also found in research concerning the categories used for discipline. In a study in Oregon, Black students were disproportionately more likely to be disciplined for disruptive behavior, a categorization that is subjective and open to implicit biases (Allard, 2015). In Oregon, the majority of disciplinary infractions are categorized as disruptive behavior. Disruptive behavior is a fairly subjective categorization and is left to the interpretation of the staff member giving the directive. In 2012-2013, Black students in Oregon made up approximately 6% of disruptive behavior infractions while only being 2.4% of the student population. The categorization of disruptive behavior relies on teachers and administrators to define what behaviors are disruptive to the entire school community and can often be influenced by implicit biases. Restorative practices can put the decision-making power in the hands of the community and thus, reduce the likelihood of implicit biases influencing the decision-making process (Allard, 2015).

These studies all showed, through different types of analysis, that racial disparities in disciplinary practice existed. These disparities are important to recognize and remedy to reduce the impact of disproportionate discipline on Black and Latinx populations. Disproportionate disciplinary practices can have short-term and long-term impacts on students and their families.

The Long-Term Impacts of Exclusionary Punitive Practices

Disproportionate discipline and suspension gaps not only negatively impact students while they are in school, but they can also have effects that extend into adulthood (González, 2012). These impacts can include an increased likeliness of being arrested and serving time in prison (Barnes & Motz, 2018). This tendency is often

referred to as the school-to-prison pipeline. Additionally, students who are removed from school or who drop out due to being involved in the juvenile justice system earn less in the workforce and therefore produce lower tax revenue while utilizing more community resources (Allard, 2015). The impact of incarceration and reduced income and tax burden are costly burdens on the community.

One finding in the research was that the disproportional suspension gap in school transferred to an increased likelihood of being arrested as an adult. Barnes and Motz (2018) used data from the National Longitudinal Study of Adolescent to Adult Health (Add Health) to compare school-based punishments to likelihood of arrest in adulthood. The Add Health data were collected in four waves at different phases of childhood and adulthood. For this study, the researchers used data collected in Wave 1, taken while the respondents were still in school, about suspensions and expulsions and from Wave 4, ages 24-32, about arrests. In accordance with other studies, this investigation found that Black youth were almost twice as likely to be suspended than White youth. This analysis included a multitude of covariates, and the findings were still substantiated. In the Wave 4 analysis, the data indicated that Black respondents were 60% more likely to have been arrested than White respondents. In their conclusion, Barnes and Motz (2018), indicated that disrupting the racial inequalities in disciplinary decisions in schools could impact the disproportionate arrest rate of Black adults by up to 16%. Thus, this research provided ample reason to explore possible ways to reduce suspension gaps in schools in order to improve outcomes in adulthood.

Another finding about long-term impacts of disproportionate disciplinary practices is the costs associated with the school-to-prison pipeline. The cost of not

completing school and maintaining children in the juvenile justice system, paying for imprisoned adults, and supporting people through federal subsidies is an important potential consequence of suspension and expulsion. In Oregon, the cost for maintaining a student in school is approximately \$80,000 per year less than the cost of maintaining a child in a juvenile detention facility (Allard, 2015). The National Bureau of Economic Research (NBER) found “over a lifetime, an 18-year-old who does not complete high school earns approximately \$260,000 less than an individual with a high school diploma and contributes about \$60,000 less in lifetime federal and state income taxes.” (reported in Allard, 2015, p. 3) Overall, this cost equates to approximately \$200 billion in lost state and federal revenue from income taxes. This lower income for people who do not complete high school also results in a larger dependence on federal welfare programs such as Medicaid. High school dropouts are twice as likely to use Medicaid assistance than those with high school diplomas. Nationwide, high school dropouts cost the country about \$8 billion annually in welfare programs (Allard, 2015).

It is important to understand the long-term impacts of suspensions on students into adulthood. These impacts can extend over generations and continue a cyclical repetition of disparity. If schools were able to impact the unequal suspensions for Black students compared to other students, the research indicated that arrests could be reduced in adulthood. The research indicates that restorative practices may provide a method to reduce exclusionary discipline practices in schools.

What are Restorative Practices?

In response to zero tolerance policies, which required schools to suspend or expel students for certain infractions such as fighting, weapons, or illicit substances, many

schools have begun to implement restorative practices to increase student engagement and interrupt the school-to-prison pipeline. Restorative practices are an approach to problem-solving as well as community building. The research describes restorative practices in several different ways. Some researchers focus on the different branches of restorative practices while others focus on the questioning techniques. Restorative circles are another important aspect of restorative practices included in the research. Restorative practices have a definite role in schools in the form of community building and disciplinary actions.

Restorative practices often center around three main areas of focus according to Zehr (2002). These areas of focus can be summarized as harm, obligations, and engagement and participation. According to Zehr (2002), the first area of harm centers around the person who was harmed and how they were harmed. However, the focus on harm includes how the person who caused the harm also suffered as well as the harm caused to the entire community. The second area of obligations is focused on the person who created the harm and how they can repair it. Additionally, the community has obligations around accountability and restoring both the person who created harm and the person who was harmed back into the community. Finally, the area of engagement and participation brings all stakeholders to the table to resolve the issue. This engagement is also part of the community building aspect of restorative practices (Thorsborne & Blood, 2013). Restorative practices are not only focused on reaction to harm created but also on building strong communities where members desire to repair harm that is caused. This aspect of restorative practices lends itself particularly well to school communities

because students and teachers have extended time together to build these types of communities (Payne & Welch, 2015).

One of the research findings regarding the use of restorative practices in schools is in response to behavioral problems and as an alternative to suspension. According to Allard (2015) this response often takes the form of using restorative questions and affirmative language. Restorative questions often follow the same template:

- What happened?
- Who was harmed by what happened? How?
- What needs to be done to repair the harm?

There are various iterations and specificities in different models of these questions, but they all follow these three main ideas. Some programs include separate questions for the person who created harm and the person who was harmed. Some go into more detail about what each person was thinking about at the time, but they all allow all parties to share their story and be heard. Sometimes these questions are in the form of an interview with an administrator or teacher. Other times these questions are explored in a restorative circle. Restorative practices can be considered inclusive as opposed to traditional punishments which were more often exclusive (Allard, 2015).

Restorative Circles are another commonly used strategy in restorative practices. All participants sit in a circle so each person can see every other person. There are varying levels of formality for restorative circles as well as many different purposes. Restorative circles can be used with restorative questions to solve a problem in the community. However, restorative circles can also be used for community building and listening. In schools, this practice often looks like asking questions to get to know each

other and going around the circle to share about ourselves and to listen and learn about others (Evans and Vaandering, 2016).

All these strategies are centered around community and belonging rather than retribution and exclusion. Restorative practices also put the decision-making process in the hands of the community rather than with the teachers and administrators. This reliance on community involvement reduces the likelihood of decisions being influenced by implicit biases (Allard, 2015). The origins of restorative practices provide insight into the focus on community building and mending.

Origins of Restorative Practices

Restorative practices, as they are used today, have roots in a variety of indigenous cultures from around the world, particularly from Greek and Roman traditions as well as the Americas and the South Pacific, specifically the Maori of New Zealand (Braithwaite, 2002). These traditional practices morphed into use in the criminal justice system and the juvenile justice system throughout the world. Eventually, restorative practices became a strategy in schools used to combat zero tolerance based exclusionary disciplinary practices.

Several researchers have studied the origins of restorative practices in the Maori cultures of New Zealand. According to Fronius et al. (2019)

These cultures had an approach to conflict and social ills that emphasized the offender's accountability for the harm they caused, along with a plan for repairing the hurt and restoring the offender to acceptance. The emphasis on the harm done rather than the act is a widely recognized principle across the RJ literature (p. 5).

Restorative practices began to be used formally in the criminal justice system in New Zealand through a partnership between the Maori people and the government of New Zealand in 1989 (Allard, 2015). Restorative Practices came into use fairly recently in the United States in the criminal justice system before finding applicable uses in schools.

Restorative Practices were first adopted by the criminal justice system in various places throughout the world. The first places documented to have implemented restorative practices in schools were in Oceania (Dewery & Kecskemeti, 2010; Payne & Welch, 2015). As success was encountered within the criminal justice system, schools began to look at Restorative Practices as a possible response to Zero Tolerance policies which resulted in disproportionate exclusion of Black and Latinx students. Australia and New Zealand were forerunners in adopting Restorative Justice in the criminal justice system, extending it to the juvenile justice system, and making the connection to implementation in schools. In 2000, the United Nations Congress on the Prevention of Crime and the Treatment of Offenders passed a unanimous resolution for all nations to encourage the use of restorative practices for all nations (Braithwaite, 2007). Australia began implementing restorative practices in schools in 1994 (Payne & Welch, 2015). Dewery and Kecskemeti (2010) outline the flow from criminal justice to juvenile justice to school based restorative practices in New Zealand in their article “Restorative Practice and Behaviour Management in Schools: Discipline Meets Care”. New Zealand found that there were too many suspensions and disciplinary problems in their schools and among youth. This observation led to the creation of the Suspension Reduction Initiative (SRI) in the 1990’s. In New Zealand there continues to be an issue with the overrepresentation of Maori and Pasifika students in exclusionary discipline practices in schools and this study

found that Restorative Practices were only mildly successful in reducing these disparities. This finding is interesting because it demonstrated how the required implementation of the traditional restorative practice may not always prove as effective as the more organic use of the practices.

Some of the difficulty in using restorative practices may arise from the transition from zero tolerance policies to more holistic restorative practices. Bazemore (2001) outlined the development of Restorative Justice Practices in the criminal justice system in the article “Young People, Trouble, and Crime: Restorative Justice as a Normative Theory of Informal Social Control and Social Support”. Bazemore explained the focus on zero tolerance policies and mandatory minimum sentencing that arose during the tough-on-crime 1980s and the resulting fallout that made space for the emergence of Restorative Justice Practices. According to Bazemore (2001), “In the United States, juvenile justice systems in 35 states had by the end of 1999 adopted restorative justice principles and/or the balanced and restorative justice model in policy or statute, and 20 of these had changed their juvenile codes to give priority to restorative justice” (p. 204). However, the United States continues to lag behind other countries in the adoption of restorative justice in the criminal justice program. This lag has been interpreted as a comparative lack of commitment to restorative practices on the part of the United States (Bazemore, 2005).

The research showed that restorative justice practices were initially adopted in the criminal justice system voluntarily and through neighborhood programs. The initial intention was to create a way to address harm caused to a community member or the community while prioritizing the needs of the victims, the offenders, their supporters, and

the community. The use of these practices often arose from community-based diversion programs (Bazemore, 2005). In 2015, the Supportive School Discipline Initiative (SSDI), a joint program created by the United States Attorney General and the Secretary of Education, issued guidance for schools to reduce disproportionate discipline. Within the guidance provided by SSDI, restorative practices were mentioned as an effective way to reduce disproportionate discipline.

Restorative practices found roots in the cultures of New Zealand and through the adaptation of neighborhood programs. The practices were then transferred to the criminal justice system and the juvenile justice system, eventually finding their way into schools. The origins of restorative practices solidify the practices through world experience as well as through research. The existence and success of restorative practices over time and throughout various cultures and circumstances provides support for these practices as valid and useful for community building and problem solving in schools.

Effectiveness of Restorative Practices

Though restorative practices can be traced back in history and attributed to several different cultural groups, they have come into more common usage in schools in recent decades (González, 2012). Research has found that restorative practices are effective in building stronger student-teacher relationships, reducing exclusionary discipline practices and decreasing discipline gaps (Mansfield et al., 2018; Hashim et al., 2018; Gavrielides, 2007).

Several studies found that restorative practices were effective in decreasing discipline gaps. In a field study conducted by Mansfield et al. (2018), the researchers found a correlation between a decrease in discipline gaps and an increase in the

utilization of restorative practices. Hashim et al. (2018) used a longitudinal study of the impacts of suspension bans, SW-PBIS, and restorative practices on suspension gaps in the Los Angeles Unified School District. Hashim et al. found that there were significant effects on the disciplinary discrepancies after implementation of both the suspension ban and SW-PBIS. However, a significant portion of the study focused on the impact of restorative practices on reducing gaps between Black and Latinx students and their White and Asian counterparts. The researchers found that restorative practices supported suspension bans and SW-PBIS in reducing the inequity in suspensions. In the fourth year of the study, schools that had participated in restorative practices training showed a significant drop in suspensions compared to schools that did not participate in the training. The implementation of restorative practices had an impact on the suspension gap but did not eradicate the discrepancies in discipline. Additionally, this particular study was not able to demonstrate a strong causal relationship between implementation of RP and decrease in suspensions. It is possible that the relationship was coincidental as there were several other factors such as district directives to reduce suspensions that could also have impacted the relationship. The researchers did conclude, however, that restorative practices do not increase suspensions. Ingraham (2016) also found that there was a decrease in suspensions and disproportionate discipline as the use of restorative practices increased. These studies show a negative correlation between the use of restorative practices and disproportionate discipline.

Another important finding about the effectiveness of restorative practices showed that the use of restorative practices built stronger, more trusting student-teacher relationships. Gregory et al. (2016) found that students of teachers who were reported as

using more restorative practices felt that their teachers were more respectful. They also received fewer office referrals than students who reported that their teachers demonstrated a low implementation of restorative practices. Albrecht (2010) found that restorative practices were useful, but that cultural awareness is a key component that can create challenges for the implementation of these practices. Gregory et al. (2016) used a hierarchical linear model and regression analyses to show that teachers who implement restorative practices with fidelity have stronger relationships with a diverse group of students. This study was based on “two large and diverse high schools in a small city on the East Coast of the United States” (Gregory et al., 2016, p. 332). Teachers were trained in RP and the researchers used teacher and student surveys to evaluate the implementation of the restorative practices. In this study, the researchers focused on four of the six restorative practices for their results due to lack of implementation of two practices by several teachers. Students answered questions about the degree to which their teachers implemented each of the six restorative practices. Students of teachers who were reported as using more restorative practices felt that their teachers were more respectful. They also received fewer office referrals than students who reported that their teachers demonstrated a low implementation of restorative practices. This finding was vitally important because it has been determined by previous studies that the greatest suspension gap is actually at the office referral stage of the disciplinary process. One of the most important findings from this study was the usefulness of RP to reduce the disparity in office referrals for Black and Latinx students. This study’s findings show a positive impact on closing the gap in disciplinary disparities for Black and Latinx

students.

Restorative practices have been shown, through research findings, to be effective in building stronger school relationships, reducing disciplinary referrals, and closing discipline gaps. The use of restorative practices as a tool to combat inequity and promote community has been established through research findings and has resulted in the creation of laws and rules requiring the use or consideration of restorative practices in disciplinary consequences in schools.

Implementing Restorative Practices

Factors that Positively Impact the Implementation of Restorative Practices

The successful implementation of restorative practices in schools is dependent on many factors. There are a few studies that have explored characteristics of schools that are more likely to implement restorative practices. The findings of these studies show that smaller schools, groups, and class sizes facilitate the implementation of restorative practices. Findings also showed that stakeholder involvement, including a listening culture, and multicultural understanding make it easier to successfully implement restorative practices in schools.

One of the findings about the factors that positively impact the use of restorative practices was the size and demographics of the school. Payne and Welch (2018) looked at schools that indicated that they utilized practices associated with restorative justice and examined the characteristics of the school, students and faculty, and community to see if there were factors that determined increased likelihood of implementation of RP. The researchers explored factors from the National Study of Delinquency Prevention in Schools to determine which structural factors influence the use of practices such as

student conferences, peer mediation, restitution, community service, and a general restorative justice approach. The findings of this research determined several factors that impacted the use of RP. The biggest predictor of use of restorative practices was the number of students taught. As the number of students taught increased, the odds of using restorative practices went down. Additionally, schools with a larger percentage of Black students are less likely to implement restorative practices. The findings of their study suggested that school structure, such as class sizes, and student and faculty characteristics, such as percentage of Black students, related to the implementation of RP while community traits were not found to be an influencing factor in schools that use RP (Payne & Welch, 2018). Teachers who had fewer students in their classrooms and a lower percentage of Black students were more likely to implement restorative practices according to the research.

Cultural awareness was another important factor found to influence the effective implementation of restorative practices. For the purposes of this paper, cultural awareness is defined as “understanding of the difference between themselves and people from other countries or backgrounds, especially differences in attitudes and values” (Collins, n.d., para. 1). Ingraham et al. (2016) did a case study of two culturally responsive tools used in the implementation of RP in a diverse elementary school. They looked particularly at the use of the participatory culture-specific intervention model (PCSIM) and the multicultural consultee-centered consultation (MCCC) to develop a restorative justice practice in a diverse elementary school. This study focused on one particular elementary school, selected based upon the dedication of the principal to collaborate and participate in the study. The school was located in a diverse, multilingual urban community with

high rates of violence, poverty, trauma, immigration, and domestic violence. The majority of students were predominantly Spanish speaking or English language learners thus the focus on PCSIM and MCCC as starting points for the implementation of RP. The researcher in this study utilized data collected in interviews and open-ended survey questions from teachers, students, families, university students, and members of the community. The researchers used the MCCC and PCSIM to collaborate with stakeholders to problem solve the implementation of RP and set the practices in an appropriate cultural context. The study found that stakeholders increased their support for RP due to these processes and that, consistent with other studies, suspensions were significantly reduced as a result of the implementation of RP. Finally, the researchers discovered that a key component of implementation of RP was education of parents in the processes including providing documents and courses in the participants' first language. In the study by Brown (2017), the researcher used a convergent parallel mixed method multi-site case study to explore the implementation of restorative practices in two Oakland Unified School District middle schools in California. The research included a survey, interviews, focus groups, and observations. From these data, four themes emerged including being heard. The theme of being heard included the sub themes of student voice and teacher voice. The total sample consisted of 60 surveys, 16 adult focus groups, 16 student focus groups, 2 principal interviews, 2 informal observations, 20 formal classroom observations, and 4 restorative circles. The researchers defined the sample as the total staff for both schools who were invited to participate, therefore the sample size was 72. The response rate for surveys was 83 percent. The study focused primarily on the use of restorative circles. This study found that creating a culture where students and other

stakeholders are heard improves the overall building culture and helps with the implementation of restorative practices (Brown, 2017). Increasing cultural awareness, listening culture, and stakeholder buy-in were key findings in research about implementation of restorative practices.

Overall, the research has found that there are several school factors that seem to contribute to the effective implementation of restorative practices. Schools with smaller class sizes and fewer Black students implement restorative practices more frequently. Additionally, cultural awareness and stakeholder engagement contribute to higher implementation of restorative practices in schools. Finally, using restorative circles to create a listening culture helps schools transition to school-wide implementation of restorative practices with more ease. As schools continue to try to find ways to implement restorative practices, knowing and understanding the factors that contribute to effective implementation could be influential.

Difficulties with Implementation

The implementation of restorative practices has encountered several roadblocks in schools and in the criminal justice system. In the research, some of the difficulties that were found include lack of stakeholder enthusiasm due to various factors, formalization of practices, and lack of cultural awareness. Additionally, the lack of appropriate and sustained training was found to be a roadblock to successful implementation. It is difficult to study and replicate restorative practices due to the number of variables and the inability to directly identify causal relationships. It is difficult to determine what aspects of restorative practices are the most impactful in creating the desired outcomes and reducing suspensions and recidivism. Some factors in the juvenile justice system that

could be considered important would be neighborhood involvement, importance of place, and service within the community. All of these aspects personalize and individualize restorative practices in a way that make them difficult to generalize across many communities. This individualism also makes it difficult to systemize or mandate the practices without community buy in (Bazemore, 2005).

When the community does not understand or buy-in to the idea of restorative practices, the research found that implementation was poor. Bazemore (2005), explained that restorative justice initiatives, while deemed effective, often encountered a lack of enthusiasm and relied almost exclusively on volunteers for their implementation. As a result, communities struggled to consistently implement restorative justice practices. They were even less likely to build preventative programs which are the basis of community based restorative practices. Therefore, restorative justice programs became almost entirely responsive to crimes already committed (Bazemore, 2005). Reimer (2009), Taylor (2018), and Stango (2017) all found in their dissertation research that a culture of retribution contributes to the failure to implement restorative practices. Reimer (2011) found that even if the school supports and implements restorative practices, being set in a larger cultural context of retribution complicates the implementation of these practices. Stango (2017) found that teachers who held beliefs rooted in restoration and relationship building had an easier time implementing restorative practices. Those teachers with a more traditional, punitive perspective struggled to transition to restorative practices due to the lack of clear punishment as a consequence (Stango, 2017). These factors tended to overpower the individual efforts of teachers and administrators who supported restorative practices.

As more nations, states, localities, and schools begin to mandate restorative practices, they become more institutionalized and the research shows that as they become more formalized, they become less authentic and more difficult to implement with integrity. In the criminal juvenile justice system, programs have become “rigid and professionalized” (Bazemore, 2005, p. 137) which has made restorative justice practices seem weak and ineffective. As restorative justice practices are incorporated into the formal criminal justice system, it can weaken the system as well as the community by taking community-based practices away from neighborhoods and local groups (Bazemore, 2005). The community roots and buy-in may not exist when the implementation of restorative practices is mandated by a governmental authority.

Another finding in the research about difficulties in the implementation of restorative practices highlights the importance of cultural awareness. In this study, Albrecht (2010) explored the implementation of restorative practices in Norway and Finland with multicultural immigrant populations. The researcher studied four different situations involving subjects from different cultural backgrounds using participant observations and follow-up interviews in mediation centers. This study focused on the relationships and the communication between the mediator and the offender particularly when they had cultural differences. The researcher found that restorative practices were useful, but that cultural awareness is a key component that can create challenges for the implementation of these practices. Though this study focused on the use of restorative practices in the criminal justice system the same awareness of cultural differences could be transferred to schoolteachers and administrators. According to Albrecht (2010) “participants may also be confronted with communication styles they have no previous

experience with which can lead to dissonance between them, entailing difficulties to come to a mutual understanding and seeing each other in a positive way” (p. 21). It seems like similar interactions take place between Black and Latinx students and their predominantly white teachers. These findings also support the idea of additional training for mentors and teachers who interact in multicultural situations.

Lack of consistent and appropriate training contributed to difficulties in the implementation of restorative practices in schools. Reimer (2011) found that teachers and administrators developed their own personal definitions of restorative practices that varied among teachers and administrators as well as a disconnect between their definitions and the ideals of the district. Reimer (2011) and Rubio (2018) also found that inconsistent support and training can lead to implementation failure. Rubio (2018) found that appropriate professional development was a necessary component in successful implementation and that having a team in place and a person charged with the implementation of restorative practices contributed to the successful implementation of restorative practices. Reimer (2011) found that the school had inconsistent support from school leadership including administrators and board members which led to difficulties implementing restorative practices. Lack of clear and consistent training, including leadership, was a clear finding of research focused on the successful implementation of restorative practices.

There were several difficulties identified through the research for the successful implementation of restorative practices. Stakeholder buy-in and consistent and clear training are two of the most important findings in regard to difficulties in implementation. Stakeholder buy-in may be limited by an overall punitive culture or by a lack of

understanding of the process. Additionally, the formalization and proceduralization of restorative practices reduce the authenticity which can reduce the effectiveness of restorative practices. Understanding these difficulties can help schools support programs that address these specific concerns in an effort to successfully implement restorative practices.

Policy as a Driver for Implementation (Zero Tolerance) Federal, State, Local Policies

As mentioned by Bazemore (2001) by the end of the 1990s restorative justice practices had been adopted by law or statute in the juvenile justice system by many states. Subsequently, some states, including Michigan, have adopted various levels of legislation requiring or recommending the use of restorative practices in schools specifically to reduce suspensions. The adoption of these policies was a counter to the zero tolerance policies created in the 1980s which resulted in high levels of suspension and expulsion as well as criticism for being egregiously punitive for children, specifically Black and Latinx youth. According to Gonzalez (2020) 16 states have adopted some sort of restorative justice policy regarding education. Nine states, including Michigan, adopted restorative practice legislation in 2018. The legislated policies range from very thorough, as found in Colorado, where the legislature supported restorative justice as a “first consideration” (Colorado Revised Statutes, 2019, § 22-32-144) with a specific list of offenses including “interpersonal conflicts, bullying, verbal and physical conflicts, theft, damage to property, class disruption, harassment, internet harassment, and attendance issues” (Colorado Revised Statutes, 2019, § 22-32-144). The majority of these behaviors resulted in suspensions during the zero-tolerance era. The Colorado law also “encourages

each school district to implement training and education in the principles and practices of RJ to ensure that capable personnel are available to successfully facilitate all steps of the restorative justice process” (Colorado Revised Statutes, 2019, § 22-32-144). Not only does the Colorado law support implementation of restorative practices, but it also includes provisions for training and educating personnel in order to facilitate implementation.

California has implemented a suspension ban which prohibited suspensions and expulsions except as part of very specific circumstances. In 2019, California amended the law to include various additional provisions to the ban on suspensions. The law provided for

Multi-Tiered System of Supports, which includes restorative justice practices, trauma-informed practices, social and emotional learning, and schoolwide positive behavior interventions and support, may be used to help pupils gain critical social and emotional skills, receive support to help transform trauma-related responses, understand the impact of their actions, and develop meaningful methods for repairing harm to the school community (California Education Code, 2020, § 48900).

In this case, the implementation of restorative practices is embedded with other supports and strategies. Delaware also has proposed legislation that would implement restorative justice practices to replace suspensions specifically to reduce disproportionate exclusionary disciplinary actions (Gonzalez, 2020)

Several other states have provisions that are directed toward improving student behavior or creating more culturally competent school environments but are fairly vague

about the necessity of schools to implement restorative practices as a disciplinary tool. In Florida, Indiana, and Louisiana, legislation mentions restorative practices but does not necessarily require implementation. In Florida, the program is entirely reliant upon neighborhood resources and interventions. In Indiana and Louisiana restorative practices are mentioned as part of an effort to create more culturally responsive schools but not as a mandatory or even highly encouraged alternative to suspension or expulsion (Gonzalez, 2020).

Conclusions and Implications for Additional Research

According to the current research, some of the roadblocks for implementation included a lack of cultural awareness, inconsistent or incomplete training, and a lack of stakeholder buy-in. In the juvenile justice system, the research shows that the professionalization and institutionalization of restorative practices reduces the effectiveness and integrity of implementation of restorative practices. These characteristics seem more typical of institutions that are implementing restorative practices through a forced initiative rather than voluntarily. My study looked at the change elements needed to effectively implement restorative practices and whether a mandate from the government positively or negatively affects the implementation of restorative practices and the impact on exclusionary disciplinary practices.

The State of Michigan has a legislative mandate for school districts to consider restorative practices when making disciplinary decisions. My research tied in the implementation of restorative practices with the government mandate. My study was a quantitative approach which considered big picture data about changes in suspensions and possible increases in the use of restorative from before and after the legally mandated

considerations in different states. These data helped me identify particular schools who have implemented restorative practices and seen or not seen a change in suspension data as compared to schools who did not implement restorative practices and their corresponding suspension data. The purpose of this research study was to identify whether the mandate to consider restorative practices has had an impact on the implementation of restorative practices and how it has changed exclusionary discipline practices in states with restorative practice mandates.

CHAPTER THREE

METHODS

To answer the research question, I took a quantitative approach. I began with nationwide quantitative data to identify any changes in suspensions or expulsions from before the mandated implementation of restorative practices to after the mandates in states that have mandated restorative practices. I then compared the suspension and expulsion data to similar data for states that do not have legal mandates to implement restorative practices.

Research Questions

The research question I explored is: Is there a significant correlation between legal mandates to implement restorative practices and a reduction in suspensions in states with legal mandates compared to states without legal mandates? To examine this question, I used several sub questions. From the CDC data set I looked at what the overall level of punitive discipline was before and after the implementation of a statewide restorative mandate. I also looked at before and after data from states that do not have a statewide restorative mandate. From the SSOCS data set I looked at the specific data relating to restorative practice including the recorded level of use of restorative practices in schools and the use of punitive practices at the school level and at the state level. I also examined the frequency of use of restorative practices in states that have a legislative mandate and compare that with states that do not have a legislated mandate.

For my research questions, the hypothesis being tested was: There is a difference between states with a legal mandate to use restorative practices and states without a legal

mandate to use restorative practices in terms of the use of punitive discipline.

Additionally, for the sub-question, the hypothesis was that there is a difference between states with a legal mandate to use restorative practices and states without a legal mandate to use restorative practices in terms of the use of restorative practices.

Research Design

This research will take a quantitative approach. According to Creswell and Guetterman (2019), “In *quantitative research*, the investigator *identifies a research problem* based on trends in the field or on the need to explain why something occurs” (p. 13). In this instance, the research problem stems from an interest in explaining why something is or is not occurring. Specifically, the research question seeks to understand if a legal mandate to implement restorative practices in schools results in fewer punitive actions and more use of restorative practices. Quantitative data analysis is a mathematical process designed to break down data into parts that will answer the research question. The quantitative data analysis process involves describing data and interpreting these data. In the interpretation of the data, predictions and hypotheses are supported or refuted (Cresswell & Guetterman, 2019).

This quantitative analysis was an ex post facto analysis meaning that it looked at things as they were after a change has occurred. I, as the researcher, did not create a change or manipulate a variable. I looked at data in states that experienced a change versus states that did not have a change in legislation and how that change in legislation affected the use of suspensions, expulsions, and restorative practices. I examined what the results are of a change that has already happened.

For this research, I used two nationwide data collections. I used the Civil Rights Data Collection and the School Survey on Crime and Safety. These data sets are nationally representative, large scale data sets. They contain very large sample sizes and include many different topics. I used specific questions in my data analysis and used both nationwide data, specific state data, and individual school data to make comparisons. Due to their size and longevity, these data sets are reliable and valid.

Data Sources

The Civil Rights Data Collection

Overview of Data Source

The U.S. Department of Education Office of Civil Rights (OCR) collects suspension data for all schools in the United States. The Civil Rights Data Collection (CRDC) represents the results of this comprehensive study. The data collected in this survey include information about student enrollment and educational programs and services. These data are disaggregated by demographic indicators including race, ethnicity, gender, special education status, and English language proficiency. These data also include suspension and expulsion reports.

The OCR was established as part of the Department of Education in 1980 by the Department of Education Organization Act. The mission of the OCR is to “ensure equal access to education and to promote educational excellence through vigorous enforcement of civil rights in our nation’s schools” (Office for Civil Rights, 2021, para. 1). The OCR collects these data in compliance with several federal statutes and regulations. The purpose of collecting these data is so the OCR can ensure compliance with civil rights laws within its jurisdiction. These data help make sure that civil rights are being protected

for all students. The data are also used by other departments within the Department of Education and by outside researchers.

The OCR began collecting the CRDC in 1968 to enforce protections under Title VI of the Civil Rights Act of 1964. It was first administered as the Elementary and Secondary School Survey (E&S Survey). The CRDC is conducted biennially, and data are available on the website dating back to the 2000-2001 school year. The most recent data set for the 2020-2021 school year is currently being collected.

Study Participants

The CRDC includes required responses to each part of the questionnaire provided by the OCR from all public, private, charter, juvenile detention centers, and special education schools. The sample size for the CRDC is large because it includes all schools. For the 2017-2018 school year the initial target population was 17,744 Local Educational Authorities (LEAs) and 99,089 schools. Due to changes in openings, closures, and mergers, the final target population for these data was 17,637 LEAs and 97,632 schools. LEAs submit the data to the CRDC through an online collection tool. The CRDC provides a list of schools that did not complete the survey appropriately. Tribal schools are not required to complete the CRDC survey. The public-use data file is available for download as a zip file and able to be loaded into the SPSS system for analysis (Office for Civil Rights, 2021).

Data Collection Process

The Office of Civil Rights has collected data related to the number of days of school students miss by district due to out-of-school suspensions. There is also data broken down by race, gender, and whether or not the student had an IEP. Additionally,

they have data by suspension subgroups of in-school suspension, one out-of-school suspension, and more than one out-of-school suspension. The most recent data were from the 2017-2018 school year. These data were used as the after data in an exploration of reduction. The CRDC is biennial and has been collected every two years since 1968. The next set of data will be collected for the 2020-2021 school year. Unfortunately, the 2020-2021 data set will be impacted by the Covid-19 pandemic which began impacting schools in March 2020 and caused many schools to be conducted remotely throughout the 2020-2021 school year (Office for Civil Rights, 2021).

The CRDC will be relevant to this research as it contains suspension data for all states for the 2017-2018 school year. These data can be analyzed by race and gender. Unfortunately, data are not available for the 2018-2019 or 2019-2020 school years through the CRDC. The next data set comes from the 2020-2021 school year which may be compromised by the global Covid pandemic. SPSS allowed data to be organized by state as well as other demographic factors. Additionally, CRDC provides information from every school in the state which allows identification of schools who have increased or decreased suspensions after the implementation of restorative practices.

The School Survey on Crime and Safety

Overview of Data Source

The School Survey on Crime and Safety (SSOCS) contains relevant questions about suspensions and expulsions in schools. The survey contains information about crime and safety in U.S. schools for the National Center for Educational Statistics (NCES) through the U.S. Department of Education. This survey is the primary data

source for safety and crime data in schools (National Center for Educational Statistics, 2021).

The SSOCS is conducted by the NCES. The purpose of the NCES is to comply with a federal Congressional mandate to “collect, collate, analyze, and report complete statistics on the condition of American education; conduct and publish reports; and review and report on education activities internationally” (National Center for Educational Statistics, 2021, para. 1). According to the NCES website, the SSOCS is designed to “provide estimates of school crime, discipline, disorder, programs and policies” (National Center for Educational Statistics, 2021, para. 2). These data are used by the U.S. Department of Education as well as outside researchers.

Study Participants

The School Survey on Crime and Safety is a sample survey. The survey is administered to principals of elementary, middle, high, and combined schools in the spring of even-numbered years. The NCES distributed the questionnaire to approximately 4,800 school leaders. The return rate in 2017-2018 was 57.5% with 2,762 school leaders returning the completed questionnaire. This sample size has been determined by the SSOCS to be sufficient to make national estimates of data for all public schools and accounts for a wide variety of instructional levels, school sizes, and locations (National Center for Educational Statistics, 2021).

Data Collection Process

The SSOCS questionnaire is administered in the spring every other year to allow principals to provide the most accurate and complete data for the preceding school year. The questionnaire was first given in the spring of the 1999-2000 school year (National

Center for Educational Statistics, 2021). The data collections recently occurred in 2017-2018 and 2019-2020. The 2019-2020 data may be skewed by the Covid-19 pandemic as many schools were closed in mid-March for the remainder of the school year.

The SSOCS questionnaire has a section specifically dedicated to school practices related to crime and discipline which includes questions about the use of restorative practices. The following questions are included in the 2018-2018 questionnaire regarding restorative practices.

During the 2019-2020 school year, did your school have any activities that included the following components for students? Check yes or no Student involvement in **restorative circles*** (e.g., peace or conflict circles) (School Survey on Crime and Safety, 2019, p. 6).

This question is very particularly about restorative practices. Comparatively, the SSOCS questionnaire asks school principals about the total number of suspensions, and the reason for suspensions. These data were compared to the use of restorative practices to see if there is a correlation in a nationwide representational data set. The SSOCS data is a nationally representative sample, however, I was able to attain individual states' data. Data in this survey was analyzed for correlations between suspensions and the use of restorative practices in states with mandated consideration of restorative practices.

Approach for Using Data

While using the SSOCS data, study participants were divided into two groups by states. The first group was the control group. This group included states that do not have any mandated legislation regarding the implementation of restorative practices. The second group was the variable group. This group was composed of states that have

legislation mandating the consideration or implementation of restorative practices in schools. With the CRDC data, states were divided into three groups, states that have mandated use of restorative practices, states that mention restorative practices but do not have a mandate, and states that make no mention of restorative practices. The list and which states were identified into each category can be found in Appendix B.

I then identified states with laws regarding restorative practices by accessing state governmental websites and education laws for each individual state. The states without laws on the books served as the control group and the states with laws were the variable group. I ran cross-tab analysis and repeated measures from the CDRC and SSOCS about suspensions before and after the implementation of restorative practice mandates. I used a cross-tab analysis to look at schools that self-reported using restorative practices in states with mandates and states without mandates to determine if the legislation impacted the reported use of restorative practices in states with a mandate versus states without a mandate.

Cross-tabulation (or, alternately, Chi-Square analysis) uses categorical predictors and outcomes, comparing the observed frequency of each cell to the expected frequency one would expect under the assumption of no relationship. In this analysis, the overall result concerning whether there is a relationship between predictor and outcome is tested by the *chi-square* test statistic. In addition, the likelihood of there being more or less in any given cell of the cross-tabulation is tested with the *standardized adjusted residual*. This statistic is considered significant if it is greater than 1.98 (hence more in the cell than predicted by chance) or less than -1.98 (hence fewer in the cell than predicted by chance). In this analysis, the argument for significance for both the *chi-square* and the

standardized adjusted residual was set at $p < 0.1$ because the comparison is across fifty states which is a small sample size.

In the next analysis, I used a repeated measure to determine if there was a significant change over time in the total number of suspensions and if that change was different in schools who reported use of restorative practices and schools who were mandated to use restorative practices as well as in states with restorative practices mandates versus states without a restorative practices mandate. I used repeated measures within measures and between measures to explore several sets of data both from the SSOCS and the CRDC. For the SSOCS data I compared suspension rates in schools with and without restorative practices in states with and without restorative practices mandates over time. For the CRDC data, I divided the states into three categories. The categories were states that have restorative practices legislation, states that mention restorative practices peripherally but do not mandate their implementation, and states that make no mention of restorative practices. I ran a repeated measure analysis within measures and between measures to evaluate the three categories over time.

A repeated measures analysis examines the difference observed between the means of the repeated measures compared to the combined variability across all time-points or repetitions (the standard error of the mean), with the covariance of the shared association taken into account. As such, this analysis determines (1) whether the size of the difference between the repeated means was larger than could reasonably be expected to occur by chance given the association of the same people being measured at all times, and (2) whether the change corresponded significantly with different change patterns (linear, quadratic, cubic, and higher order curves). In addition, it tested whether there

were significant differences between groups, first across all measurements and then whether the pattern of change differed significantly by group. For this analysis, I used the standard alpha level of .05 to argue for significance.

Assumptions

I asked this question in an effort to find actionable research to determine if a legal mandate helps schools implement RP and successfully reduce suspension and disproportionate discipline. If having a mandate to implement RP leads to a reduction in suspensions and disproportionate discipline, then more states and school districts may choose to create and implement legislation to promote RP.

I have several epistemological, ontological, and axiological assumptions I will be bringing with me into the research. With 20 years of experience in education, I have observed many different disciplinary interactions in a variety of settings. For the first ten years of my career, I worked in a predominantly Black, urban area. During the second ten years, I was in a predominantly White district in a large suburban area.

Many of the ontological assumptions I have come from my experiences in education. One of the ontological assumptions I have is that communities and schools should be doing whatever they can to create equity for all students. For the purposes of this research, this effort means reducing exclusionary discipline practices and eliminating disproportionality in discipline. Another ontological assumption I have is that schools can impact disproportionality and make changes that reduce exclusionary discipline.

One epistemological assumption I have is that there are disproportionate discipline practices. Black and Latinx students are suspended and expelled from schools more frequently than White students. Another epistemological assumption I have is that

successful schools can be models for other schools for implementation of best practices. We can study the attributes that make a school successful and identify roadblocks that prevented success also.

The axiological assumptions I carry with me in this research include the experiences I have had with many Black and Latinx students. From my perspective and experience, Black and Latinx students often feel like they are not represented in the faces of their teachers and administrators, in their curricula, in their textbooks, or on their classroom walls. I have heard from many Black and Latinx students and families that their perception is that the schools are out to get them. Some students and families perceive that schools are frustrated with them and just want to punish them out of school instead of celebrating diversity. My experiences include teaching in a variety of different areas. I have kept in touch with many of my former students. They are now parents and the negative experiences they had as students carry over to their children. In my experience, restorative practices allow for difficult conversations to be easier. They allow for a variety of voices and perspectives, and they value students as individuals. These experiences drove my desire see if implementation of laws requiring restorative practices actually reduces suspensions as compared to states without these considerations.

Another, more difficult to articulate, axiological assumption I have is that many predominantly White schools and districts are not genuinely concerned with the experiences of their Black and Latinx students. Until the No Child Left Behind data showed disproportionate disciplinary practices, special education enrollment, and opportunity gaps, these districts flourished and maintained practices that were not beneficial to Black and Latinx students. It often seems like schools only care about

disproportionate discipline because they get penalized from the government, not because it is harmful to children. This assumption comes from workarounds I have seen schools implement such as utilizing punishments that are not logged by the department of education. In my experience, restorative practices can be one of those workarounds but if it is implemented with integrity, it may have a great, positive impact on Black and Latinx students in predominantly White schools. I am interested to see if a proven reduction in suspensions and disproportionate discipline due to legislated mandates provide enough impetus to create change and legislation nationwide.

CHAPTER FOUR

RESULTS

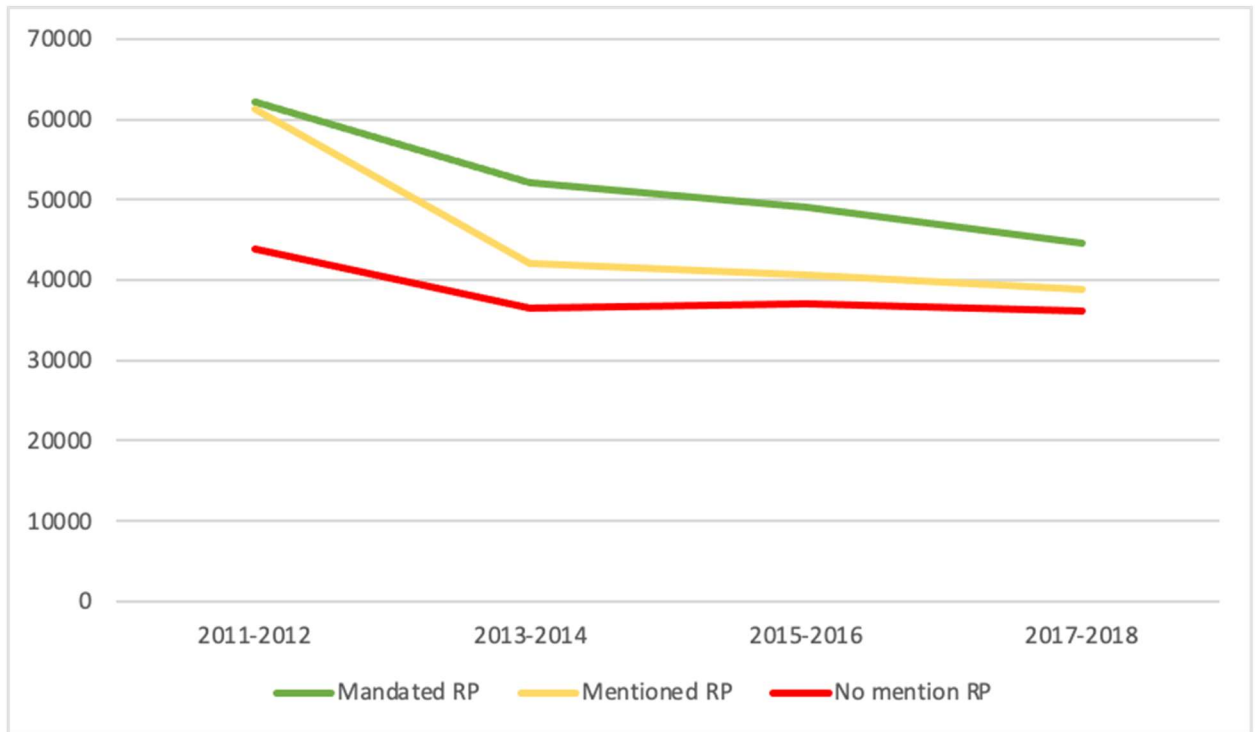
Impact of State Restorative Practices Legislation on Punitive Practices

As described in Chapter Three, I analyzed the Civil Right Data Collection data identifying more than one out-of-school suspension comparing the three groups of states: those that had specific mandates for restorative practice, those that mentioned restorative practice but not a clear mandate, and those that did not have a mandate or mention of restorative practices. Additionally, in CRDC data, there are measures for several punitive discipline practices including, in-school suspensions, out-of-school suspensions, expulsions, and law enforcement involvement. For each of these punitive practices, I used a repeated measures study to determine if there was a change in use of punitive discipline practices over time in states with mandates, states with mention of RP, and states with no mention of RP. States that implemented a restorative practices mandate or mentioned RP in their educational legislation had much higher starting values of punitive discipline practices. In all instances, these practices reduced over time.

The first punitive practice I analyzed was one in-school suspension. The results of this repeated measures analysis comparing change over time by groups was that there was a significant change over time in this measure ($F = 10.07$, $p = .003$), and a marginal quadratic term indicating a slow-down of the change ($F = 5.44$, $p = .02$) across all groups. Figure 2 shows the estimated means across time for each of these groups.

Figure 2

Change Over Time in One In-School Suspension Comparing State Mandated, State Mentioned, and No Restorative Practice States

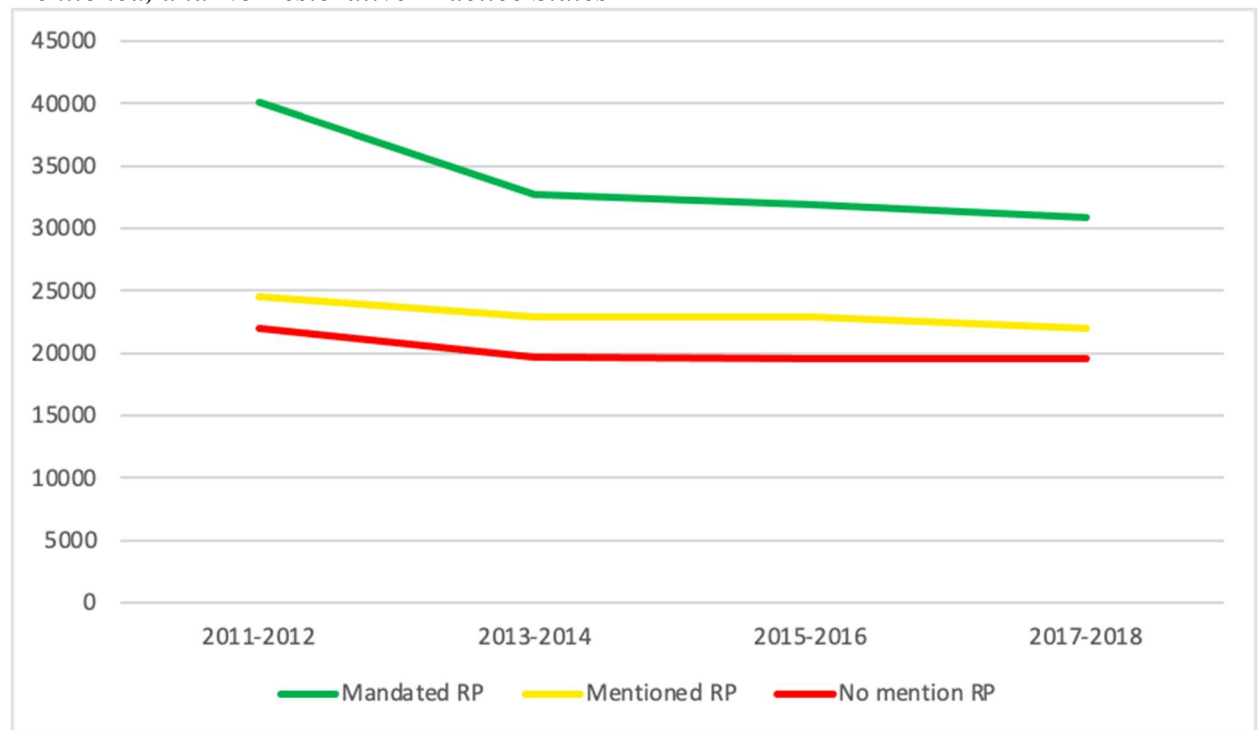


In this figure, it is interesting to note that the rates for one in-school suspension dropped over this six-year period. Both the states with mandates and those with mentions of restorative practices had higher starting levels than did states with no mention of restorative practices. Interestingly, the reduction rate was steeper for states with mention of restorative practices than it was for states with explicit mandates. However, each of these groups had more of a decline than did states with no mention of restorative practices. States with no mention of RP were almost flat for the six years exhibiting lower in-school suspension levels than states without RP but a lower rate of change. This difference, of course, could in part derive from the fact that they had higher initial levels.

For the next analysis, the results were similar. The punitive practice that was analyzed was one out-of-school suspension. The results of this repeated measures analysis comparing change over time by groups was that there was a significant change over time in this measure ($F = 6.89$, $p = .003$), and a marginal quadratic term indicating a slow-down of the change ($F = 2.55$, $p = .12$) across all groups. Figure 3 shows the estimated means across time for each of these groups.

Figure 3

Change Over Time in One Out-of-School Suspension Comparing State Mandated, State Mentioned, and No Restorative Practice States



In this figure, it is notable that the declines in one out-of-school suspension are more subtle than in some of the other punitive practices. Again, it can be seen that both the states with mandates and those with mentions of restorative practices had higher starting levels than did states with no mention of restorative practices. In this case, both

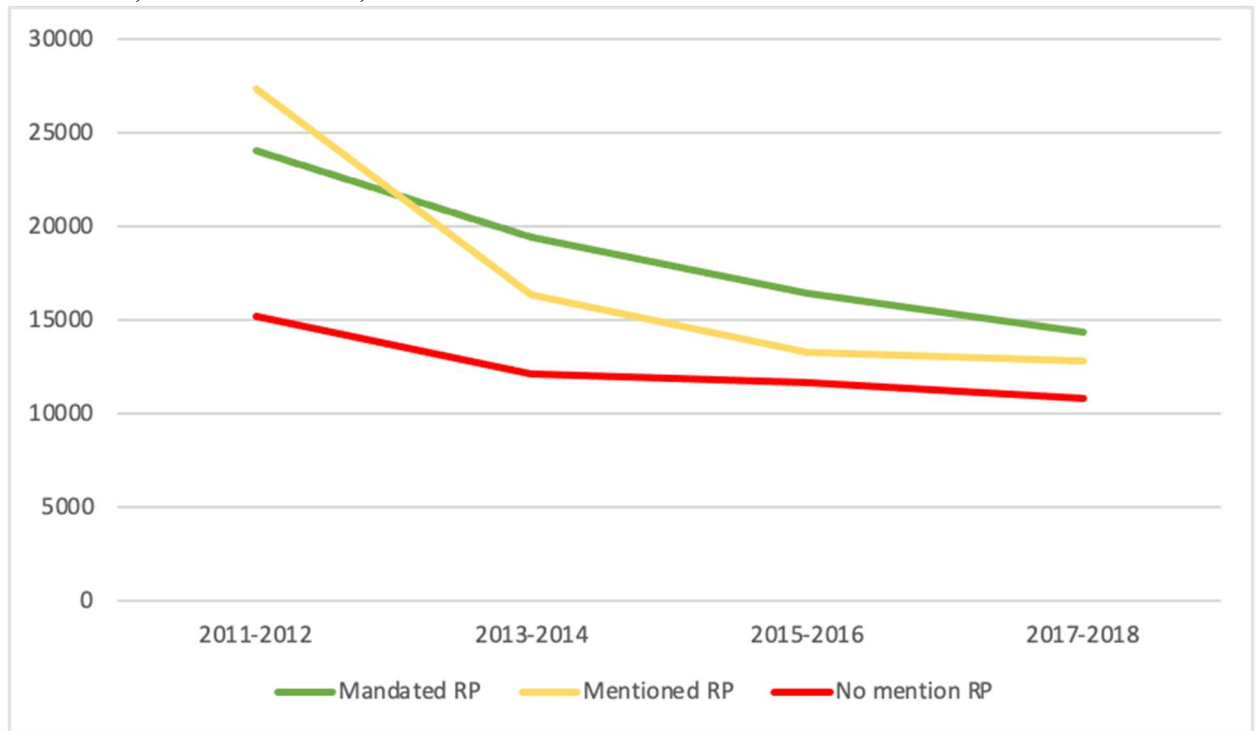
states that mention RP and states that make no mention of RP have fairly flat lines, though both show a decline over the six-year period. States with an RP mandate once again start much higher than the other states and show the largest reduction in one out-of-school suspension. However, these states still had higher levels of one out-of-school suspension at the end of the six-year period than states with only a mention of RP or states with no mention of RP had at the beginning of the six-year period.

The next punitive practice I analyzed was more than one out-of-school suspension. The results of this repeated measures analysis comparing change over time by groups was that there was a significant change over time in this measure ($F = 9.13$, $p = .004$), and a marginal quadratic term indicating a slow-down of the change ($F = 5.39$, $p = .03$) across all groups. Figure 4 shows the estimated means across time for each of these groups.

In this figure, it is interesting to note that the rates for more than one out-of-school suspensions dropped over this six-year period. Both the states with mandates and those with mentions of restorative practices had much higher starting levels than did states with no mention of restorative practices. Interestingly, the reduction rate was steeper for states with mention of restorative practices than it was for states with explicit mandates. However, each of these groups had more of a decline than did states with no mention of restorative practices. This difference, of course, could in part derive from the fact that they had much higher initial levels.

Figure 4

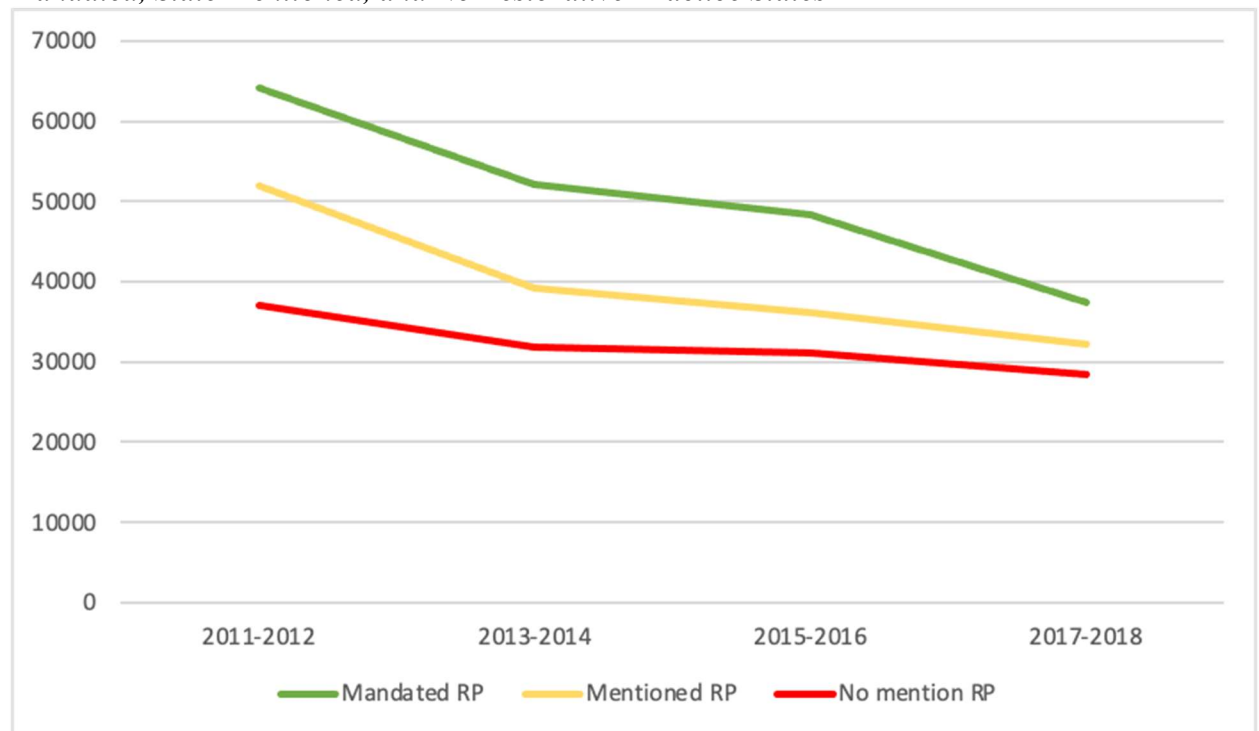
Change Over Time in More Than One Out-of-School Suspension Comparing State Mandated, State Mentioned, and No Restorative Practice States



The next punitive practice I analyzed was one or more out-of-school suspensions. The results of this repeated measures analysis comparing change over time by groups was that there was a significant change over time in this measure ($F = 15.43$, $p < .001$), and a marginal quadratic term indicating a slow-down of the change ($F = 2.0$, $p = .16$) across all groups. Figure 5 shows the estimated means across time for each of these groups.

Figure 5

Change Over Time in One or More Out-of-School Suspension Comparing State Mandated, State Mentioned, and No Restorative Practice States



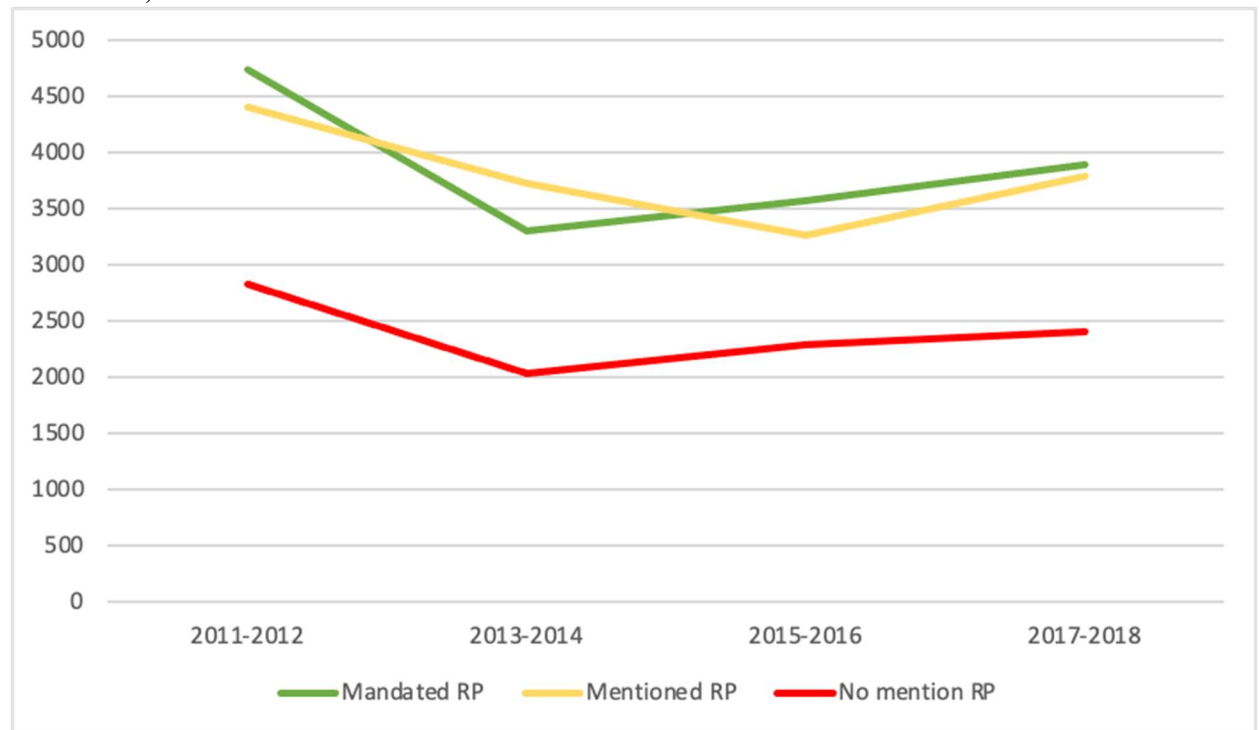
Once again, in this figure, the rates dropped over the six-year period and states with RP mandates or mentions of RP in education legislation had much higher starting points. It is also notable, again, that states with RP mandates and states with RP mentions have a steeper rate of decline in one or more out-of-school suspensions than states with no RP mandate. In this case, all states end up with suspension rates much closer to one another than at the beginning of the six-year time period.

The next punitive practice I analyzed was involvement of law enforcement. The results of this repeated measures analysis comparing change over time by groups was that there was a significant change over time in this measure ($F = 7.19, p < .01$), and a

marginal quadratic term indicating a slow-down of the change ($F = 4.73, p = .035$) across all groups. Figure 6 shows the estimated means across time for each of these groups.

Figure 6

Change Over Time in Law Enforcement Involvement Comparing State Mandated, State Mentioned, and No Restorative Practice States



In this figure there is a familiar pattern. The states with mandated RP or mention of RP begin with much higher levels of law enforcement than states with no mandate or mention. Overall, there is a decline though all three groups drop drastically and then rise again. They do not rise above the starting point of the six-year period, however. Also, after six years, the change in law enforcement involvement in states with no mention of RP is almost non-existent.

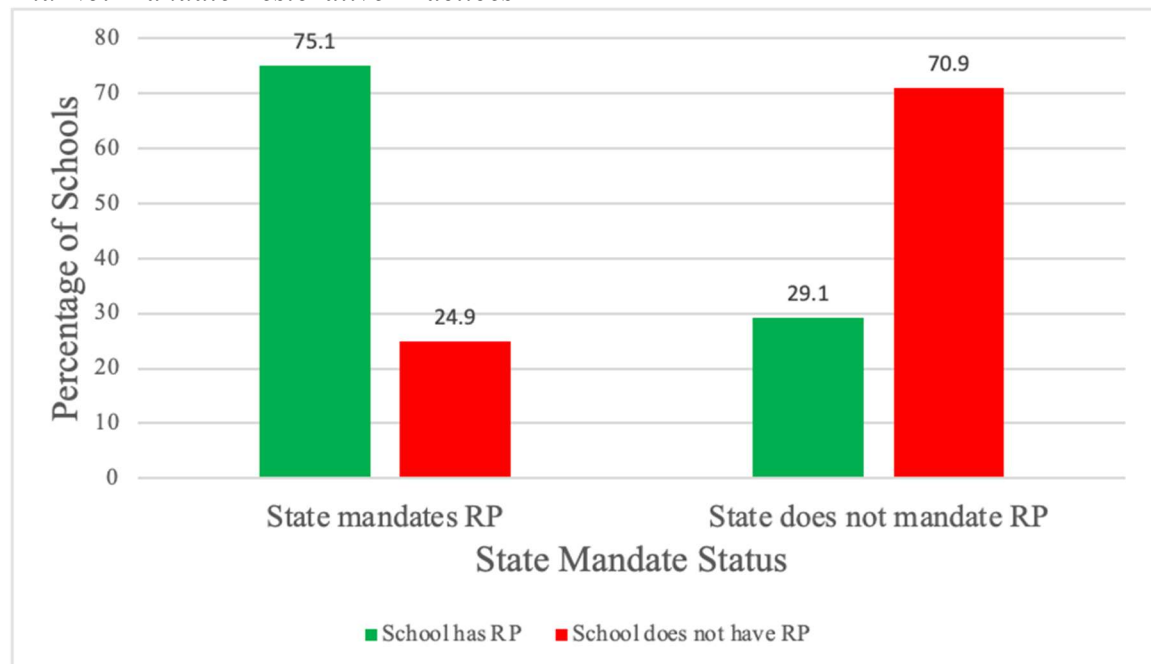
Impact of Mandate on Use of Restorative Practices in Schools (SSOCS)

For the next analysis, I used the School Survey on Crime and Safety data. These data included whether a school reported using restorative practices or did not report using restorative practices grouped by state. I also sorted states by whether or not they had a legally mandated requirement to use restorative practices in schools. In the first analysis, I used a crosstabulation to determine if there was a significant increase in the reported use of restorative practices in states that had a mandate to use them versus states who did not have a mandate.

There was a significant relationship between state mandates and school reported use of RP ($Chi-Sq. = 412.0, p < .001$). Figure 7 shows the percent of schools who did (green bar) and did not (red bar) report use of RP in the two groups of states.

Figure 7

Distribution of Schools Reporting Use of Restorative Practices for States that Did and Did Not Mandate Restorative Practices



Clearly, having a state mandate made a difference in the likelihood of a school implementing RP. In States where RP were mandated, schools were much more likely to report implementing RP. Additionally, in states where RP were not mandated, a much smaller percentage of schools implemented restorative practices.

Comparing Four Groups in Impact on School Punitive Practices over Time (SSOCS)

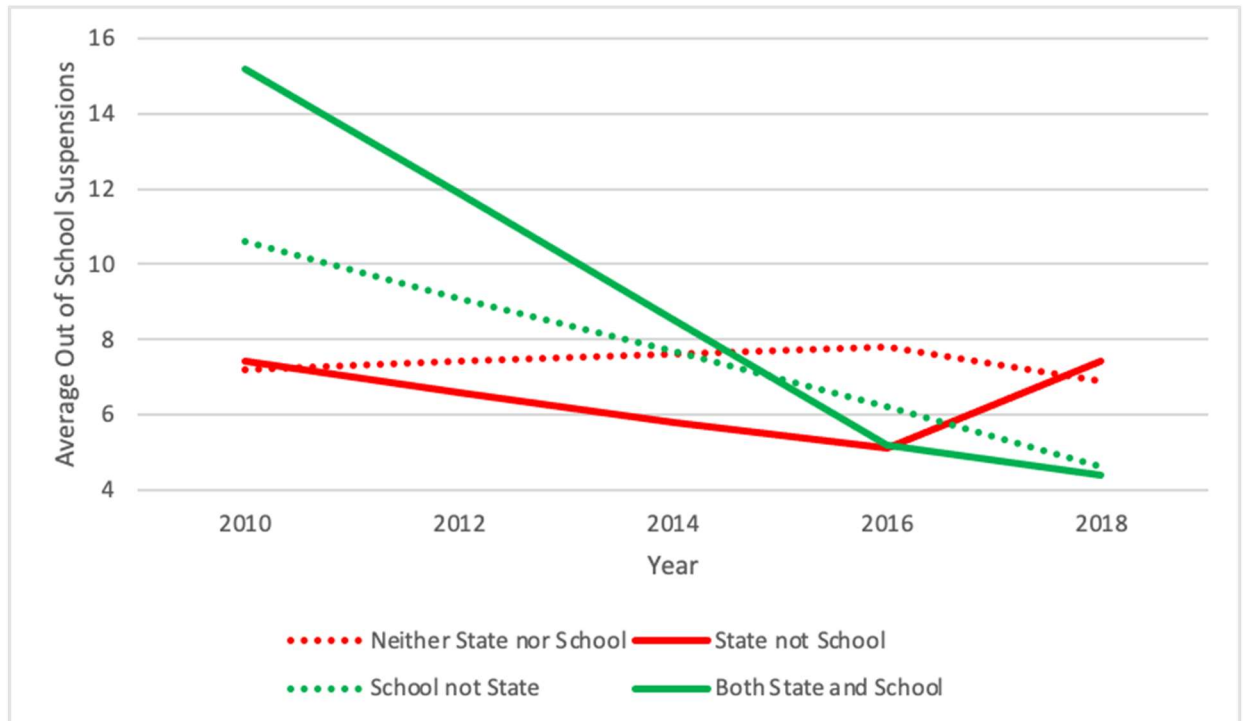
In the next analysis, I used a repeated measure to determine if there was a significant change over time in the total number of suspensions and if that change was different in schools who reported use of restorative practices and schools who were mandated to use restorative practices.

The within-subjects comparison results showed that, across all schools, there was a significant change in out of school suspensions over time ($F=21.8$, $p < .001$), and this change over time had a quadratic component, indicating a change in direction after the first period ($F=10.8$, $p < .001$). There were also significant differences by state mandate and school use of restorative practices on the number of out of school suspensions over time ($F=9.1$, $p < .001$) and in the change in direction after the first period ($F=5.5$, $p = .001$).

The results are shown in Figure 8, the green lines show the number of out of school suspensions in schools that reported using restorative practices, while the red lines show the number in schools that reported they did not use it. The solid lines are the out of school suspensions in schools in states with restorative practice mandates, and the dashed lines are the number in schools in states that had no such mandates

Figure 8

Change Over Time in Out-of-School Suspensions Comparing Schools Reporting Use of Restorative Practices for States that Did and Did Not Mandate Restorative Practices



In this analysis it is clear that states that are mandating restorative practices and schools that are implementing restorative practices have a much higher starting value for suspensions. This higher number of initial suspensions may have been the impetus for creating a legal mandate to implement restorative practices. States that implemented RP and schools that implemented RP all had higher suspension levels to begin. After implementation, schools and states that implemented RP had lower suspension levels than states and schools that did not implement RP. Interestingly, states and schools that did not implement RP had very similar beginning suspension rates and ending suspension rates over the eight-year timespan. Schools that do not implement RP in states that do not have a mandate started off with the lowest suspension rates and actually showed a slight

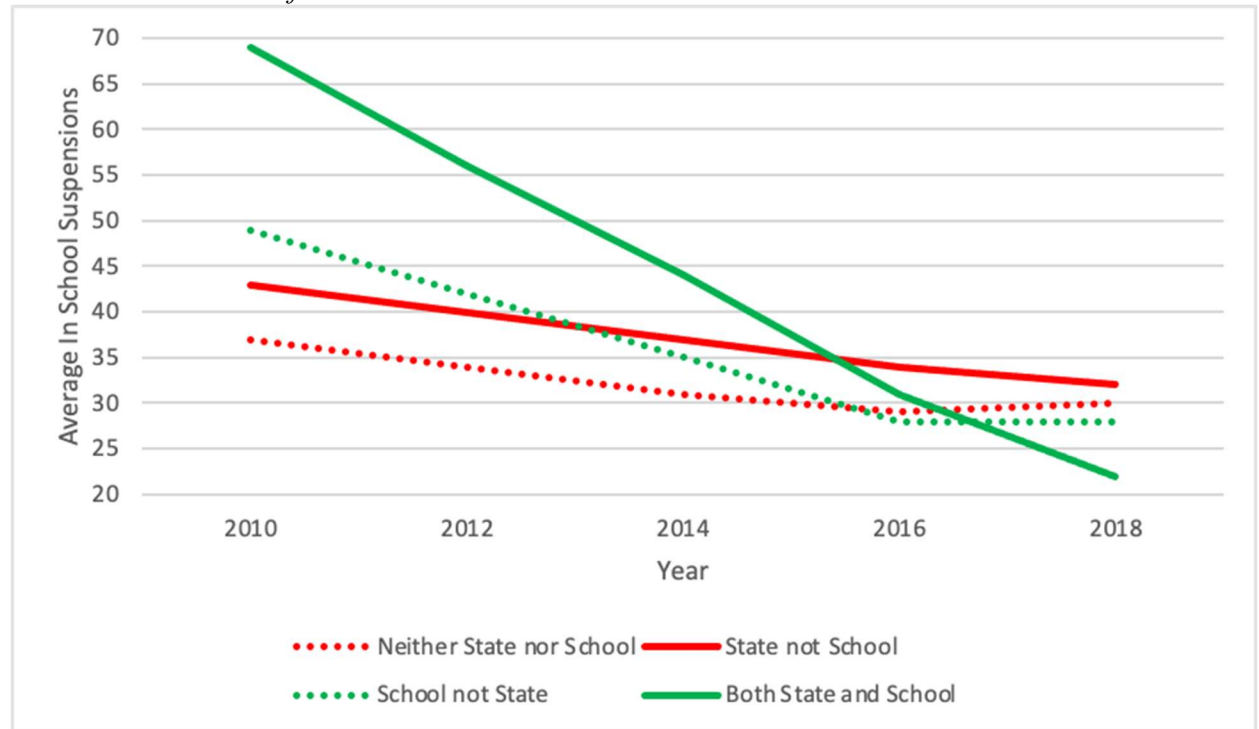
increase in suspensions before returning to the starting point. Schools that did not implement RP even though there was a state directive to do so also had much lower suspension levels at the beginning of this study. These schools showed an initial downward trend in suspensions before increasing again to almost the same level as where they began. So, for schools and states where RP were not implemented, over time there was very little overall change. Schools that did implement RP reduced suspensions by more than half.

The within-subjects comparison results showed that, across all schools, there was a significant change in in-school suspensions over time ($F=57.98$, $p < .001$), and this change over time had a quadratic component, indicating a change in direction after the first period ($F=18.8$, $p < .001$). There were also significant differences by state mandate and school use of restorative practices on the number of in-school suspensions over time ($F=11.44$, $p < .001$) and a marginal change in direction after the first period ($F=2.02$, $p = .11$).

The results are shown in Figure 9, the green lines show the number of in-school suspensions in schools that reported using restorative practices, while the red lines show the number in schools that reported they did not use it. The solid lines are the in-school suspensions in schools in states with restorative practice mandates, and the dashed lines are the number in schools in states that had no such mandates

Figure 9

Change Over Time in In-School Suspensions Comparing Schools Reporting Use of Restorative Practices for States that Did and Did Not Mandate Restorative Practices



Once again, in this analysis, it is clear that states and schools that have restorative practices have a much higher starting rate of in-school suspensions. The average number of in-school suspensions declines over time for all groups, but the most significant decline is in schools that follow their state mandate to implement restorative practices. Schools in states with a restorative practices mandate that reported using restorative practices had the highest rate of in-school suspensions of all the groups and ended with the lowest number of in-school suspensions. It appears from this research that restorative practices are particularly effective in reducing the number of in-school suspensions. The other groups began with lower incidences of in-school suspension and ended with almost

the same number of in-school suspensions. The schools without a mandate or that did not report using restorative practices showed a smaller decline in in-school suspensions over time and appear to level off.

CHAPTER FIVE

CONCLUSIONS

Research has repeatedly shown that implementing restorative practices reduces the number of suspensions and other punitive disciplinary practices. However, studies have not explored their influence on legislative mandates on the implementation of restorative practices. In recent years, many states have added the use of restorative practices to their educational code. The purpose of this study was to determine if a legislative mandate to implement restorative practices resulted in more self-reporting of use of restorative practices and a reduction in suspensions and other punitive disciplinary practices.

I investigated the impact of government mandates on the implementation of restorative practices by comparing data from two national data sets. I examined legislation for each state and identified states that had laws requiring restorative practices, mentioned using restorative practices, and had no legislative mention of restorative practices. I used the Civil Rights Data Collection and the School Survey on Crime and Safety to compare the self-reported use of restorative circles and exclusionary disciplinary practices in states with and without restorative practices. The research question I used for this analysis was: Is there a significant relationship between legal mandates to implement restorative practices and a reduction in suspensions in states with legal mandates compared to states without legal mandates?

In order to analyze these data, I used a repeated measures ANOVA for the CDC data to determine if there was a change in use of restorative practices over time in states

with restorative practices mandates versus states with no legislative mention of restorative practices. I used crosstabulation for the SSOCS data to determine if there was a significant increase in the reported use of restorative practices in states that had a mandate to use them versus states who did not have a mandate. Again, with the SSOCS data, I used a repeated measures ANOVA to determine if there was a significant change over time in the total number of suspensions and if that change was different in schools who reported use of restorative practices and schools who were mandated to use restorative practices.

Summary and Implementations of Findings

Several key findings resulted from this research study. I have organized this section by finding. The first significant finding from this study was that states with a legislative mandate to implement restorative practices had higher levels of schools and districts reporting the use of restorative practices. Secondly, it is evident that while punitive practices decreased nationwide, punitive practices decreased at a greater rate in states with restorative practices mandates than in states without a legislative mandate. A third finding from this study showed that states that had a restorative practice mandate had higher starting points for punitive disciplinary practices.

Effectiveness of Mandating Restorative Practices

This study found that restorative practices were reported to have been implemented at a higher rate in states that had a legislative mandate to use RP than states that did not have a mandate. The results showed that 79.1% of schools in states with a restorative practice mandate reported using restorative practices. This percentage was much higher than the 29.1% of schools reporting the use of restorative practices in states

without a mandate. It is very clear that a much higher percentage of schools report using restorative practices in states that have a mandate to use restorative practices. There could be many explanations for this higher rate of implementation including increased awareness, financial support, training, and possibly even false reporting.

There could be several explanations for the increase in reported use of restorative practices in states with a legal mandate. One explanation is that more schools are made aware of restorative practices and choose to implement them. Alternately, states where legal mandates are in place may have schools that already had a higher awareness of restorative practices thus leading to the legal mandate for implementation for all. Another explanation is that many of the legal mandates also come with funding earmarked for restorative practices training and resources thus making the implementation of restorative practices easier for schools. A third explanation is that schools are falsely reporting a higher usage of restorative practices due to the legal expectation for them to use RP. Additionally, there may be other factors that influence the increased use of restorative practices such as a suspension ban or other requirements to reduce suspensions and other exclusionary disciplinary practices. This is an important finding because it seems to indicate that in the case of restorative practices, governmental mandates do indeed result in an increase in implementation. This is particularly important to state legislators because they can see the results of a governmental mandate for restorative practices as an alternative to suspensions and that many more schools use these practices in states that have such a mandate. If state legislators are considering implementing a mandate, they can see that it will most likely result in increased use of restorative practices.

These findings do align with previous research regarding the diffusion of innovation theory as well as previous studies about effective implementation of restorative practices. This finding aligns with the Rogers' (2003) diffusion of innovation theory. A governmental mandate could be the impetus for various levels of adopters to implement restorative practices. As the government provides a mandate for restorative practices, early adopters may have already begun the process while late adopters are pushed to implement restorative practices. Additionally, the funding for training that is included in many of the state mandates aligns with difficulties in implementation encountered by Bazemore (2005). In Bazemore's study, stakeholder buy-in and the reliance on volunteers provided a roadblock to effective implementation of restorative practices. Training was also determined to be an important factor by Reimer (2011) and Rubio (2018). These studies found roadblocks to implementation in lack of funding and appropriate training. Again, as many of the legal mandates for implementation also included mandates for training and funding for training and resources, the legal mandates may have addressed these roadblocks in an effective manner.

The finding that states with legal mandates to implement restorative practices is related to higher levels of reported implementation of restorative practices supports previous research about organizational outcomes as well as effective implementation of restorative practices. This study aligns with previous research and adds that having a mandate to consider restorative practices results in increased implementation of these practices. Hopefully, this finding will provide guidance for legislators to add restorative practices to their legal mandates for school discipline as the research shows these mandates to be successful in increasing the reported use of restorative practices.

Impact of Mandated Restorative Practices on Reducing Suspensions

The initial research question for this study was: Is there a significant relationship correlation between legal mandates to implement restorative practices and a reduction in suspensions in states with legal mandates compared to states without legal mandates? The crosstab analysis of the Student Survey of Crime and Safety data showed a significant correlation between statewide mandate to use restorative practices and the self-reported use of restorative practices. The use of restorative practices to reduce suspensions is another finding of this research. This study showed that states with mandated restorative practices significantly reduced suspensions compared to states without a restorative practices mandate. It is likely that these results stem from the effectiveness of restorative practices to find alternatives to suspensions that continue to hold students accountable for their actions while simultaneously building community.

This study supports the previous findings that restorative practices reduce suspensions and other punitive disciplinary actions. This study shows that states and schools that self-reported using restorative practices show a greater reduction in suspensions and other punitive disciplinary practices than states and schools that do not report using restorative practice. Furthermore, the study indicated that the reduction in punitive disciplinary practices was greater in states with mandated use of restorative practices. I used a repeated measures study to compare the number of punitive practices over time in states with and without a mandate to implement or consider restorative practices. For this study, I looked at data for a variety of different punitive practices over time. For each of these data sets, I compared states with a restorative mandate, states that mention restorative practices, and states with no mention of restorative practices at all.

For all of the aforementioned punitive disciplinary practices, the data showed a reduction over time in all states but there was a significantly greater reduction of punitive disciplinary practices in states with a restorative practices mandate.

The most likely explanation for the higher reduction in punitive practices in states with restorative practices mandates over time is that restorative practices are effective in reducing punitive practices. As schools implement restorative practices, they reduce the use of suspensions and expulsions. Additionally, students may have more buy-in in the community and may demonstrate fewer rule breaking behaviors due to the community building aspects of properly implemented restorative practices. This reduction in rule breaking behaviors may result in fewer office referrals thus leading to fewer suspensions and other exclusionary disciplinary practices. States may have mandated restorative practices specifically in order to reduce suspensions. Some states may also have other legislation in place mandating the reduction in suspensions and other exclusionary disciplinary practices such as suspension bans or mandates to reduce suspensions. Finally, schools may have implemented other practices such as School Wide Positive Behavior Intervention Support (SW-PBIS) or other practices at the same time as restorative practices which may have resulted in the reduction of exclusionary restorative practices.

This is supported by previous studies regarding the use of restorative practices and other strategies to reduce suspensions and other disciplinary gaps. The previous research shows clearly that restorative practices can reduce suspensions and other exclusionary disciplinary practices (Hashim et al, 2018; Ingraham et al, 2016; Mansfield et al, 2015). Mansfield et al. (2015) found a relationship between an increase in the use

of restorative practices and a decrease in discipline gaps. The research of Mansfield et al. supports this study because the findings of this study also show a reduction in suspensions as the use of restorative practices increases. Hashim et al. (2018) combined several practices in their study. Hashim et al. investigated suspension bans, SW-PBIS, and restorative practices on the use of suspensions and on disproportionate disciplinary practices. Hashim et al. (2018) found that restorative practices appropriately supported SW-PBIS and suspension bans in reducing suspensions school wide. The research specifically found that schools with restorative practices training showed a significantly greater reduction in suspensions compared to schools without restorative practices training. The Hashim et al. (2018) study was not able to demonstrate a causal relationship between restorative practices training and reduction in suspensions. The reduction could have been coincidental. Finally, Ingraham (2016) also found a reduction in suspensions and the use of restorative practices increased. Previous studies support the findings of this study that restorative practices result in a reduction of suspensions and other exclusionary practices.

The use of restorative practices to reduce suspensions is an important finding from this study and aligns well with findings from previous studies. The reduction of suspensions in states with more restorative practices shows that restorative practices are an appropriate and effective alternative to exclusionary disciplinary practices. The finding from this dissertation study supports existing research highlighting the impact of such practices of reducing exclusionary forms of disciplinary practices.

Starting Points for Punitive Disciplinary Practices and Mandated Restorative Practices

Another important and original finding from this research is that states that created legislative mandates to implement restorative practices had much higher starting points for exclusionary disciplinary practices such as suspensions and expulsions. In this study, I used a repeated measures analysis to look at punitive disciplinary measures over time in states with legislative mandates to consider restorative practices and states without mandates. One of the key findings was that states with legislative mandates to consider restorative practices had much higher initial amounts of suspensions and other exclusionary punitive practices than states that did not implement a legal restorative practices mandate. In almost all cases, the starting point for suspensions, in-school or out-of-school, was approximately twice as high in states that implemented a legislative restorative practices mandate compared to states that did not initiate a mandate. This finding was unexpected and not something that I was looking for in the initial question and hypothesis for this research.

This finding is interesting particularly for states and schools with high suspension rates or high rates of exclusionary practices. This finding could indicate that having higher rates of exclusionary disciplinary practices provided the impetus for finding alternatives to suspensions due to community pressure or other factors such as higher rates of juvenile incarceration. Perhaps states with already low or lower rates of suspension do not feel the need to find alternatives to suspension such as restorative practices. The higher rates of suspensions for states that developed mandates may also have higher populations or larger school districts. It would be interesting to explore

through further research other shared characteristics of states with and without restorative practices mandates to see if other factors may have contributed to higher starting rates of suspensions.

This finding is supported by existing research as restorative practices are an alternative to suspensions and theories of organizational change support government mandates as quick solutions for big problems. The theoretical research of Fullan (2016) indicated that government mandates are often seen as a quick fix to a big problem. The creation of legal mandates in states with high levels of suspensions and other exclusionary disciplinary practices would align with governmental involvement to provide a broad and quick solution. In this case, state legislators may have found high rates of suspensions to be a problem in need of a solution and therefore chosen to mandate the use of restorative practices to lower these suspension levels. The research of Hashim et al. (2018) and Ingraham (2016) showed restorative practices as a worthwhile and effective alternative to suspensions. Hashim et al. (2018) particularly studied the impacts of restorative practices among other factors in the Los Angeles Unified School District which also had a suspension ban. In this case, restorative practices were found to be an effective alternative to suspensions. This previous research aligns with the findings of the current study as both demonstrated the use of restorative practices as a legitimate alternative to suspensions.

The initial high rate of exclusionary forms of disciplinary practices in states that eventually adopted a restorative practices mandate is a new and interesting finding. This finding is supported by Fullan's (2016) research about governmental involvement in organizational change as well as previous studies that show restorative practices to be an

effective alternative to suspensions. This finding is important because it provides a starting point for further exploration about the choice to implement restorative practices mandates and factors that drive that decision.

Limitations

This research study had several limitations including self-reported data, searching methods for legislative mandates, and the impacts of a global pandemic. These limitations provide guidance for further research and exploration but are not so severe as to invalidate the findings of this research.

Both of the data sets used collected self-reported data from states and school districts. Self-reported data can be skewed to produce higher reported use of restorative practices in states with a mandate due to fear of non-compliance. The mandate to use and report the use of restorative practices may lead to a higher level of self-reported use of restorative practices in states and districts with a legislative mandate for restorative practices. Also, states without a legislative mandate may not be working on restorative practices and districts may be less familiar and therefore underreporting. Interestingly, this limitation is unlikely to have an impact on the initial reports of higher punitive practices in states that eventually implemented a legal restorative practices mandate as those states would not have known that a legal mandate would eventually be adopted.

An additional limitation of this study is the identification of legislation using websites which may not have been updated. There may have been states that have legislation that is in process and not yet finalized. This search method could skew some of the results by not having an entirely exhaustive list of states with restorative mandates. This could have had a slight impact on my research by having a few states in the wrong

category. It is unlikely that it would have a great impact on the research considering that most states were fairly up to date, and we experienced a global pandemic in the interim during which time most legislatures were not focused on this type of laws in schools.

The final limitation on this study was the occurrence of the global pandemic. Unfortunately, due to the global Covid-19 pandemic, I was only able to use data through 2018. It would have been desirable to have more recent data that accurately reflects mandates that were imposed in 2017 or 2018. Any data taken from during the global pandemic would not reflect accurate suspension or exclusionary disciplinary practices as many students were not in school, were participating virtually in school, or were in and out of school. This pandemic was a major disruption to education and educational research.

Directions for Future Research

The findings from my research show that there is a relationship between states that have a mandate to implement restorative practices and the reported use of restorative practices in schools. The findings also show a greater reduction in punitive disciplinary practices in states that have a mandate for restorative practices compared to states without an RP mandate. Additionally, my research shows that there was a higher starting point for punitive disciplinary practices in states that created a legal mandate. My research is quantitative and shows relationships and changes over time. However, this research does not determine cause and effect relationships. It also does not include any qualitative data about implementation strategies in schools. I also limited my research to overall suspensions and punitive practices as reported by schools. I did not explore the impact of

these mandates on specific demographic groups, different sized schools, school location, or any other more homed in data points.

Qualitative research with individual school districts about implementation would provide insight into causation to determine if the state mandate actually had an impact on implementation. It would also be interesting to speak with students, staff, and administrators in schools that do and do not follow state mandates to better understand what impact state mandates for restorative practices have on actual daily practices. This qualitative research would also be helpful in resolving the limitation regarding self-reported use of restorative practices. Observational data would determine if the school was implementing restorative practices with fidelity or just reporting their use on paper without actually utilizing them. Additionally, qualitative research including interviews with state legislators regarding catalysts for developing a restorative practices mandate would provide information and clarity about starting points and states with higher suspension rates. This qualitative research would also help determine if some of these relationships are causal or coincidental, such as the relationship between higher beginning rates of suspension and the adoption of a restorative practices legal mandate.

Further research is needed to explore the impact of legal mandates to implement restorative practices on specific demographic groups. Specifically, research should be conducted to see if the mandated implementation of restorative practices reduced suspension gaps between Black and Latinx students and their White and Asian peers. This information could be gathered at the state level or at the individual school or district level. It would be interesting to look at the disproportionate disciplinary practices and if states with restorative practices mandates have a reduction in these gaps. Looking at

individual district or school data could also create a larger sample size which could help to resolve the initial sample size limitation of the current study. It would also be interesting to explore the impact of more local restorative practices mandates such as at the county or district level. It would be useful to know if a district or county level mandate to use restorative practices has the same impact as the state level mandate.

Additionally, my research did not explore other characteristics of states with and without restorative practices mandates. For example, further research could be conducted comparing the size of states, political leanings, major urban areas, population demographics, and other factors to see if any of these characteristics impact whether a state has or does not have a restorative practices mandate. This type of examination would provide insight into what states or districts might find success implementing restorative practices mandates by looking at shared characteristics.

One further area of research would also include a longer period of study. This approach would resolve the limitation created by the Covid-19 global pandemic. In the next ten years, it would be interesting to continue to study the impacts of restorative practices. As schools begin to recover from the closures and inconsistencies of the pandemic, it will be interesting to see if restorative practices emerge stronger or if they are replaced by other strategies.

Conclusions

This study provides important findings for school officials, superintendents, and state legislators. In this study, there were three important findings that could impact educators and legislators moving forward. First, state mandates to implement restorative practices resulted in a higher level of reported usage of restorative practices. Second,

states with legislative mandates to consider restorative practices had a significantly larger reduction in suspensions over time compared to schools in states without restorative practices legislation. Finally, the starting point for suspensions and other exclusionary practices was much higher in states that eventually adopted restorative practices mandates compared to states that did not. These findings reflect previous research as well as providing new insights into legislative mandates and the implementation of restorative practices.

One important finding for state legislators is that they are able to see that state mandates to implement restorative practices actually result in a significant increase in the implementation of restorative practices in schools. This finding is important as it shows the effectiveness of a governmental mandate in this instance. This finding is important for proponents of restorative practices as they work with legislators to create laws to support the use of restorative practices. Legislators are also able to understand that creating legislative mandates for restorative practices results in increased usage. This finding is important for legislators in states that would like to see more consistent use of restorative practices.

The next finding was that states with restorative practices mandates had a significant reduction in suspensions and other exclusionary disciplinary practices over time compared to states without the mandate. This finding is important to school superintendent and officials because it shows the effectiveness in using restorative practices to reduce suspensions. As the world recovers from the global Covid-19 pandemic, many schools may be focused on learning recovery and keeping students in seats. This study shows that states with a legal restorative practices mandate had a larger

reduction in suspensions. Many student advocacy groups are looking for viable alternatives to suspensions and ways to effectively implement these alternatives. This study provides a workable solution for both. This may be useful to advocacy groups as they work with states and school districts to implement restorative practices as an alternative to suspension.

Finally, the finding that states that eventually created a restorative practices mandate had much higher starting rates for suspension and exclusionary practices than states that did not adopt restorative practices legislation. This finding may be important for state legislators in states that continue to struggle with high suspension rates. It may also be something to consider for counties, municipalities, or school districts that have high suspension rates. Leaders in all of these places may find value in negotiating for a mandated requirement to consider the use of restorative practices as an alternative to suspension. All leaders in places with high suspension rates should be able to use this research to guide their next steps in an effort to lower suspension rates.

This study has provided useful information for educational leaders, student advocates, and state legislators. As the world emerges from the global Covid-19 pandemic, hopefully all stakeholders will be looking toward research to guide their next steps in creating educational environments where all students are able to participate and be valued. This research supports restorative practices mandate as a possible way forward to reduce suspensions and other exclusionary practices thus keeping students in schools and part of the community.

APPENDIX A
IRB APPROVAL LETTER



Institutional Review Board

Date: April 27, 2022

Study #: IRB-FY2022-331

Study Title: The Use of Restorative Practices in Schools in States with Legislative Mandates

Submission Type: Initial

IRB Decision: No Human Subjects Research

Research Team:

Kathryn Gomez

Julia Smith

The above referenced study has been determined to be No Human Subjects Research according to federal regulations.

The IRB decision is based on the following:

This is research with existing data that is publicly available. This study will use previously collected data from the Civil Rights Data Collection and The School Survey on Crime and Safety.

Please retain a copy of this correspondence for your records.

If you have any questions, please contact the IRB staff.

Thank you.

The Oakland University IRB

APPENDIX B

LIST OF STATES AND THEIR RESTORATIVE PRACTICE MANDATE STATUS

List of States and their Restorative Practices Mandate Status

Has Restorative Practices Mandate	Has Laws that Mention Restorative Practices but no Mandate	Has No Mention of Restorative Practices
California	Delaware	Alabama
Colorado	Florida	Alaska
Maine	Hawaii	Arizona
Maryland	Idaho	Arkansas
Massachusetts	Illinois	Connecticut
Michigan	Indiana	Georgia
Nebraska	Louisiana	Iowa
Nevada	Montana	Kansas
New Jersey	Pennsylvania	Kentucky
New Mexico	South Carolina	Minnesota
Oregon	Tennessee	Mississippi
Texas	Utah	Missouri
District of Columbia	Vermont	New Hampshire
	Washington	New York
		North Carolina
		North Dakota
		Ohio
		Oklahoma
		Rhode Island
		South Dakota
		Virginia
		West Virginia
		Wisconsin
		Wyoming

Georgetown Law Center on Poverty and Inequality (2020, September)
National Center on Safe Supportive Learning Environments (2022)

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