

# BULLETIN BOARD

## Student Discipline: Restorative Practices

School boards will begin the 2017-2018 school year adjusting to new student discipline requirements found in the Revised School Code. Among the new provisions is the requirement to consider using “restorative practices” as an alternative to suspensions or expulsions to address a student’s behavior or student code of conduct violation. Additionally, the Code provides that “restorative

practices should be the first consideration to remediate offenses such as interpersonal conflicts, bullying, verbal and physical conflict, thefts, damage to property, class disruption and harassment and cyberbullying.”

The Code defines restorative practices (also commonly referred to “restorative justice”) as “practices that emphasize repairing the harm to the victim and the school community caused by a pupil’s misconduct.” Thus, the goals of using restorative practices in schools are to address the harm committed and enhance responsibility and accountability, build relationships and community, and teach students empathy and problem-solving skills that can help prevent the occurrence of inappropriate behavior in the future.<sup>1</sup>

If restorative practices are used by a school district, the Code suggests the following:

- Holding a victim-offender conference that is initiated by the victim and approved by the victim’s parent or legal guardian if the victim is below age 15.
- The conference may include the victim, a victim advocate, student offender, members of the school community, and supporters of the victim and student offender. (This group of attendees is the “restorative practices team.”)
- The conference should provide an opportunity for the student offender to accept responsibility for the harm caused to those affected by the misconduct and to participate in setting consequences to repair the harm.
- The restorative practices team may require the student offender to do one or more of the following: apologize; participate in community service, restoration or counseling; or pay restitution.
- Lastly, the selected consequence must be incorporated into an agreement that sets time limits for completion of the consequences and is signed by all participants of the conference.

The failure of a school board or its designee to **consider** restorative practices prior to suspending or expelling a student will result in a violation of the Code as well as establish a rebuttable presumption that an expulsion or suspension is not justified, if the suspension is more than 10 days.

If you have any questions about restorative practices or the Code’s new student discipline requirements, please contact the MASB Legal Department.



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<sup>1</sup> U.S. Department of Education, Guiding Principles: A Resource Guide for Improving School Climate and Discipline, Washington, D.C., 2014.