

BILL: House Bill 1229
TITLE: Restorative Schools Fund and Grants - Establishment
POSITION: SUPPORT
DATE: February 28, 2019
COMMITTEES: Ways and Means Committee
CONTACT: John R. Woolums, Esq.

The Maryland Association of Boards of Education (MABE) supports House Bill 1229 to advance the goals of the recently completed Commission on the School-to-Prison Pipeline and Restorative Practices.

Through the association’s continuing resolutions, MABE has pledged to “participate fully in the work of the Commission on the School-to-Prison Pipeline and Restorative Practices toward the goal of making recommendations based on Maryland and national best practices and which maintain local flexibility to create and enforce fair disciplinary standards, and which address the costs of implementing any newly mandated restorative practices.” MABE firmly believes that House Bill 1229 is needed to further advance the goals adopted by the Commission.

“The Commission urges Maryland schools to transition to what we broadly define as “restorative approaches to building and sustaining positive learning environments.” A restorative approach combines high behavioral expectations and accountability with a range of preventative, conflict resolution, and rehabilitative strategies to promote positive behavior and engaged student learning. The Commission recommends the following definition and guiding principles of a restorative approach: A restorative approach combines a relationship-focused mindset and distinctive tools that create a school climate and culture that is inherently just, racially equitable, and conducive to learning for all students. The guiding principles of a restorative approach include the following: A restorative approach is primarily proactive and preventative rather than a reactive discipline model, with 80% focused on building strong relationships and setting clear behavioral norms for the school community.”

Every local board of education places a high priority on establishing policies and procedures concerning student discipline, based on a framework established by the General Assembly and the State Board of Education. State law reflects the legislature’s recognition that principals and superintendents have broad discretion to make student discipline decisions “as warranted” (Section 7-305 of the Education Article). State regulations long mirrored this deference to local decision making, as well as placing a clear emphasis on maintaining a safe learning environment for all students.

From 2009 to 2014, the State Board of Education engaged in a comprehensive review and reform of Maryland’s student discipline regulations and guidelines. MABE supported the State Board’s initiative to require local boards to reform their student discipline policies to:

- Prohibit “zero tolerance” policies;
- Reflect a philosophy that fosters positive behavior;
- Provide continuous education services to all suspended and expelled students; and
- Hold school systems accountable for reducing and eliminating disproportionate impacts of student discipline policies on minority students.

In 2014, the State Board adopted state regulations to mandate new local school system policies and regulations, including:

- Definitions of expulsion, extended suspension, long-term suspension, and short-term suspension;
- Standards and conditions for excluding students from school through extended suspensions or expulsions;
- Mandates to provide excluded students with educational and behavioral support services; 1
- Requirements to provide "minimum education services" to students suspended or expelled out of school, including daily classwork and assignments from each teacher that must be reviewed, corrected and returned on a weekly basis;
- Mandates for MSDE to develop a method to analyze whether there is a disproportionate impact on minority students, or a discrepant impact on special education students; and
- The mandate that local boards revise student discipline policies and regulations by the beginning of the 2014-2015 school year.

In 2017, legislation passed to prohibit a child enrolled in a public prekindergarten program through second grade from being suspended or expelled from school, subject to limited exceptions. A student may be suspended for up to five school days if the school administration, in consultation with a school psychologist or other mental health professional, determines that there is an imminent threat of serious harm to other students or staff that cannot be reduced or eliminated through interventions and supports. MABE supports reasonable guidance and regulations to implement this law; and anticipates the need for additional state and local funding to meet the staffing, professional development, and facility demands imposed by law's new mandate for the use of restorative in-school practices.

Again, MABE agrees that restorative approaches should play an integral role in the administration of Maryland's public schools. Such proactive practices, implemented with fidelity following appropriate professional development and training of all staff, can make significant improvements in school climate and the learning conditions for all students to learn. Local boards agree that the funding provided through the grant program established by House Bill 1229 would significantly advance the use of such approaches.

For the reasons outlined above, MABE requests a favorable report on House Bill 1229.